

ESTTA Tracking number: **ESTTA491026**

Filing date: **08/24/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92054629
Party	Plaintiff Sheltered Wings, Inc.
Correspondence Address	JENNIFER L GREGOR GODFREY & KAHN SC ONE EAST MAIN STREET, SUITE 500 MADISON, WI 53703 UNITED STATES jgregor@gklaw.com, jpeterson@gklaw.com, apeterson@gklaw.com, docketing@gklaw.com
Submission	Other Motions/Papers
Filer's Name	Jennifer L. Gregor
Filer's e-mail	jgregor@gklaw.com, jschwartz@gklaw.com, apeterson@gklaw.com, jpeterson@gklaw.com
Signature	/Jennifer L. Gregor/
Date	08/24/2012
Attachments	2012-08-24 Declaration of Jacqueline Schwartz.pdf ( 3 pages )(118413 bytes ) Ex A - 2,886,199 Cert_Status Rpt - Eagle Optics.pdf ( 6 pages )(28239 bytes ) Ex B - 2,886,199 Prosecution File History - Eagle Optics.pdf ( 130 pages ) (6525956 bytes ) Ex C - 3,192,083 Cert_Status Rpt - Eagle Optics.pdf ( 7 pages )(54987 bytes ) Ex D - 3,192,083 Prosecution File History - Eagle Optics.pdf ( 76 pages ) (6305993 bytes ) Ex E - 3,787,739 Cert_Status Rpt - Golden Eagle.pdf ( 6 pages )(445508 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In re Registration No. 3,904,929	)	
	)	
SHELTERED WINGS, INC.	)	
	)	
Petitioner,	)	Cancellation No. 92054629
	)	
v.	)	
	)	
WOHALI OUTDOORS, LLC	)	
	)	
Respondent.	)	

**DECLARATION OF JACQUELINE M. SCHWARTZ**

I, Jacqueline M. Schwartz, declare as follows:

1. I am a paralegal at the law firm of Godfrey & Kahn, S.C., counsel for petitioner, Sheltered Wings, Inc. I have personal knowledge of the facts in this declaration and, if called upon, I could and would testify to these facts.
2. Attached as **Exhibit A** is a true and correct copy of the registration certificate for U.S. Trademark Registration No. 2,886,199 for the mark EAGLE OPTICS, and the corresponding TSDR status report downloaded on August 23, 2012 from the USPTO website at <http://tsdr.uspto.gov/> (the "USPTO Website").
3. Attached as **Exhibit B** is a true and correct copy of the prosecution file history for the application that resulted in U.S. Trademark Registration No. 2,886,199 for the mark EAGLE OPTICS, which was downloaded on August 23, 2012 from the USPTO Website.
4. Attached as **Exhibit C** is a true and correct copy of the registration certificate for U.S. Trademark Registration No. 3,192,083 for the mark EAGLE OPTICS and design, and the

corresponding TSDR status report downloaded on August 23, 2012 from the USPTO Website.

5. Attached as **Exhibit D** is a true and correct copy of the prosecution file history for the application that resulted in U.S. Trademark Registration No. 3,192,083 for the mark EAGLE OPTICS and design, which was downloaded on August 23, 2012 from the USPTO Website.

6. Attached as **Exhibit E** is a true and correct copy of the registration certificate for U.S. Trademark Registration No. 3,787,739 for the mark GOLDEN EAGLE, and the corresponding TSDR status report downloaded on August 23, 2012 from the USPTO Website.

7. Attached as **Exhibit F** is a true and correct copy of the prosecution file history for the application that resulted in U.S. Trademark Registration No. 3,787,739 for the mark GOLDEN EAGLE, which was downloaded on August 23, 2012 from the USPTO Website.

8. Attached as **Exhibit G** is a true and correct copy of the prosecution file history for trademark application Serial No. 85/095,903 for the mark EAGLE, which was downloaded on August 23, 2012 from the USPTO Website.

9. Attached as **Exhibit H** is a true and correct copy of the registration certificate for U.S. Trademark Registration No. 3,904,929 for the mark STEEL EAGLE, and the corresponding TSDR status report downloaded on August 23, 2012 from the USPTO Website.

10. Attached as **Exhibit I** is a true and correct copy of the prosecution file history for the application that resulted in U.S. Trademark Registration No. 3,904,929 for the mark STEEL EAGLE, which was downloaded on August 23, 2012 from the USPTO Website.

11. Attached as **Exhibit J** is a true and correct copy of the registration certificate for U.S. Trademark Registration No. 2,084,361 for the mark EAGLEVIEW, and the corresponding TSDR status report downloaded on August 23, 2012 from the USPTO Website.

12. Attached as **Exhibit K** is a true and correct copy of the prosecution file history,

available from the USPTO Website, for the application that resulted in U.S. Trademark Registration No. 2,084,361 for the mark EAGLEVIEW, which was downloaded on August 23, 2012 from the USPTO Website.

13. Attached as **Exhibit L** is a true and correct copy of Wohali's verified responses to Petitioner's first set of interrogatories, in this proceeding.

14. Attached as **Exhibit M** is a true and correct copy of the TSDR status report for Registration No. 2,365,057 for the mark EAGLE'S BLUFF, which was downloaded on August 23, 2012 from the USPTO Website.

15. Attached as **Exhibit N** is a true and correct copy of the Declaration of Brett L. Foster filed on July 7, 2011 in the U.S. Western District of Wisconsin Case No. 11-CV-300, *Sheltered Wings, Inc. v. Wohali Outdoors, LLC*.

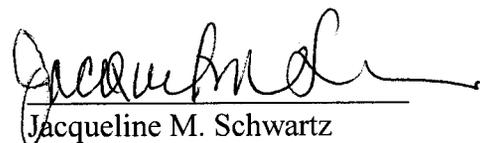
16. Attached as **Exhibit O** is a true and correct copy of an "entity summary" record from the website for the Oklahoma Secretary of State showing that Wohali Outdoors, LLC ("Wohali") was formed on February 10, 2009.

17. Attached as **Exhibit P** is a true and correct copy of a screenshot of the homepage of Wohali's website at <http://wohali.arcoutdoors.com>.

18. Attached as **Exhibit Q** is a true and correct copy of the registration certificate for U.S. Trademark Registration No. 3,911,635 for the mark WOHALI, and the corresponding TSDR status report downloaded on August 24, 2012 from the USPTO Website.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on August 24, 2012, in Madison, Wisconsin.

  
Jacqueline M. Schwartz

**EXHIBIT A  
TO DECLARATION OF  
JACQUELINE M. SCHWARTZ**

**Int. Cl.: 9**

**Prior U.S. Cls.: 21, 23, 26, 36 and 38**

**Reg. No. 2,886,199**

**United States Patent and Trademark Office**

**Registered Sep. 21, 2004**

**TRADEMARK  
PRINCIPAL REGISTER**

**EAGLE OPTICS**

SHELTERED WINGS, INC. (WISCONSIN CORPORATION)  
2120 W. GREENVIEW DR. #4  
MIDDLETON, WI 53562

FOR: BINOCULARS, SPOTTING SCOPES, AND TELESCOPES, ALL FOR USE IN BIRD WATCHING, AND STORAGE CASES THEREFORE, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-1-1996; IN COMMERCE 4-1-1996.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "OPTICS", APART FROM THE MARK AS SHOWN.

SER. NO. 78-029,311, FILED 10-5-2000.

APRIL L. RADEMACHER, EXAMINING ATTORNEY

**Generated on:** This page was generated by TSDR on 2012-08-23 13:15:29 EST

**Mark:** EAGLE OPTICS

**US Serial Number:** 78029311      **Application Filing Date:** Oct. 05, 2000

**US Registration Number:** 2886199      **Registration Date:** Sep. 21, 2004

**Register:** Principal

**Mark Type:** Trademark

**Status:** A Sections 8 and 15 combined declaration has been accepted and acknowledged.

**Status Date:** Oct. 05, 2009

**Publication Date:** Jun. 29, 2004

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### Mark Information

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**Mark Literal Elements:** EAGLE OPTICS

**Standard Character Claim:** No

**Mark Drawing Type:** 1 - TYPESET WORD(S) /LETTER(S) /NUMBER(S)

**Disclaimer:** "OPTICS"

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### Goods and Services

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**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [.] indicate deleted goods/services;
- Double parenthesis ((.)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*.\* identify additional (new) wording in the goods/services.

**For:** Binoculars, spotting scopes, and telescopes, all for use in bird watching, and storage cases therefore

**International Class:** 009 - Primary Class      **U.S Class:** 021, 023, 026, 036, 038

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Jan. 01, 1996

**Use in Commerce:** Apr. 01, 1996

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### Basis Information (Case Level)

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<b>Filed Use:</b>	Yes	<b>Currently Use:</b>	Yes	<b>Amended Use:</b>	No
<b>Filed ITU:</b>	No	<b>Currently ITU:</b>	No	<b>Amended ITU:</b>	No
<b>Filed 44D:</b>	No	<b>Currently 44D:</b>	No	<b>Amended 44D:</b>	No
<b>Filed 44E:</b>	No	<b>Currently 44E:</b>	No	<b>Amended 44E:</b>	No
<b>Filed 66A:</b>	No	<b>Currently 66A:</b>	No		
<b>Filed No Basis:</b>	No	<b>Currently No Basis:</b>	No		

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### Current Owner(s) Information

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**Owner Name:** Sheltered Wings, Inc.  
2120 W. Greenview Dr. #4  
**Owner Address:** Middleton, WISCONSIN 53562  
UNITED STATES

**Legal Entity Type:** CORPORATION      **State or Country Where Organized:** WISCONSIN

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### Attorney/Correspondence Information

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#### Attorney of Record

**Attorney Name:** Angela V. Langlotz      **Docket Number:** VX-T24

#### Correspondent

**Correspondent Name/Address:** Angela V. Langlotz  
Langlotz Patent and Trademark Works, Inc.  
P.O. Box 96503 #37585  
Washington, DC 20090-6503  
UNITED STATES

**Phone:** 866-280-5242      **Fax:** 866-280-5242

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

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## Prosecution History

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<b>Date</b>	<b>Description</b>	<b>Proceeding Number</b>
Jan. 27, 2012	NOTICE OF SUIT	
Oct. 05, 2009	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	73376
Oct. 05, 2009	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	73376
Sep. 22, 2009	TEAS SECTION 8 & 15 RECEIVED	
Aug. 27, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 08, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Sep. 08, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Sep. 21, 2004	REGISTERED-PRINCIPAL REGISTER	
Jun. 29, 2004	PUBLISHED FOR OPPOSITION	
Jun. 09, 2004	NOTICE OF PUBLICATION	
Apr. 21, 2004	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jan. 15, 2004	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Jan. 30, 2004	CASE FILE IN TICRS	
Jan. 20, 2004	PAPER RECEIVED	
Oct. 10, 2003	CONTINUATION OF FINAL REFUSAL MAILED	
Jan. 08, 2003	LETTER OF SUSPENSION MAILED	
Nov. 14, 2002	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Nov. 14, 2002	PAPER RECEIVED	
Oct. 16, 2002	FINAL REFUSAL MAILED	
Aug. 29, 2002	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Aug. 29, 2002	PAPER RECEIVED	
Jul. 15, 2002	ASSIGNED TO EXAMINER	74284
Jul. 11, 2002	ASSIGNED TO EXAMINER	67568
Apr. 11, 2002	NON-FINAL ACTION MAILED	
Apr. 10, 2002	ASSIGNED TO EXAMINER	74284
Jun. 19, 2001	CORRESPONDENCE RECEIVED IN LAW OFFICE	
Mar. 20, 2001	NON-FINAL ACTION MAILED	

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**Maintenance Filings or Post Registration Information**

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**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

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**TM Staff and Location Information**

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**Current Location:** TMEG LAW OFFICE 102      **Date in Location:** Oct. 05, 2009

**EXHIBIT B**  
**TO DECLARATION OF**  
**JACQUELINE M. SCHWARTZ**

AO 120 (Rev. 08/10)

TO: <b>Mail Stop 8</b> <b>Director of the U.S. Patent and Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
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In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court \_\_\_\_\_ for the Western District of Wisconsin \_\_\_\_\_ on the following  
 Trademarks or  Patents. (  the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 11-CV-300	DATE FILED 4/25/2011	U.S. DISTRICT COURT for the Western District of Wisconsin
PLAINTIFF Sheltered Wings, Inc.		DEFENDANT Wohali Outdoors, LLC
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		See Attachment A
2		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading		
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK	
1		<i>Next page</i>	
2			
3			
4			
5			

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
--------------------

CLERK Peter Oppeneer, Clerk of Court	(BY) DEPUTY CLERK s/Lynn Kamke, Deputy Clerk	DATE 6/29/2011
---	---	-------------------

Copy 1—Upon initiation of action, mail this copy to Director    Copy 3—Upon termination of action, mail this copy to Director  
 Copy 2—Upon filing document adding patent(s), mail this copy to Director    Copy 4—Case file copy

**ATTACHMENT A  
TO  
REPORT ON THE FILING OR DETERMINATION OF AN  
ACTION REGARDING A PATENT OR TRADEMARK**

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court *for the Western District of Wisconsin* on the following:

Trademark

<b>Docket No.:</b> 11-CV-300	<b>Date Filed:</b> 04/25/2011	<b>U.S. District Court:</b> for the Western District of Wisconsin
<b>Plaintiff</b>  Sheltered Wings, Inc.		<b>Defendant</b>  Wohali Outdoors, LLC
<b>Patent or Trademark No.</b>	<b>Date of Patent or Trademark</b>	<b>Holder of Patent or Trademark</b>
1. 3,192,083	01/02/2007	Sheltered Wings, Inc.
2. 2,886,199	09/21/2004	Sheltered Wings, Inc.
3. 3,794,245	05/25/2010	Sheltered Wings, Inc.
4. 3,726,431	12/15/2009	Sheltered Wings, Inc.
5. 3,787,739	05/11/2010	Sheltered Wings, Inc.
6. 3,904,929	01/11/2011	Wohali Outdoors, LLC

Side - 1



**NOTICE OF ACCEPTANCE AND  
ACKNOWLEDGEMENT OF §§8 & 15  
DECLARATION  
MAILING DATE: Oct 5, 2009**

The combined declaration of use and incontestability filed in connection with the registration identified below meets the requirements of Sections 8 and 15 of the Trademark Act, 15 U.S.C. §1058 and 1065. The combined declaration is accepted and acknowledged. The registration remains in force.

For further information about this notice, visit our website at: <http://www.uspto.gov>. To review information regarding the referenced registration, go to <http://tarr.uspto.gov>.

**REG NUMBER: 2886199**  
**MARK: EAGLE OPTICS**  
**OWNER: Sheltered Wings, Inc.**

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE  
COMMISSIONER FOR TRADEMARKS  
P.O. BOX 1451  
ALEXANDRIA, VA 22313-1451

FIRST-CLASS  
MAIL  
U.S POSTAGE  
PAID

Angela V. Langlotz  
Langlotz Patent and Trademark Works, Inc.  
P.O. Box 96503 #37585  
Washington, DC 20090-6503

## Combined Declaration of Use and Incontestability under Sections 8 & 15

The table below presents the data as entered.

Input Field	Entered
<b>REGISTRATION NUMBER</b>	2886199
<b>REGISTRATION DATE</b>	09/21/2004
<b>SERIAL NUMBER</b>	78029311
<b>MARK SECTION</b>	
<b>MARK</b>	EAGLE OPTICS
<b>OWNER SECTION (current)</b>	
<b>NAME</b>	Sheltered Wings, Inc.
<b>STREET</b>	2120 W. Greenview Dr. #4
<b>CITY</b>	Middleton
<b>STATE</b>	Wisconsin
<b>ZIP/POSTAL CODE</b>	53562
<b>COUNTRY</b>	United States
<b>OWNER SECTION (proposed)</b>	
<b>NAME</b>	Sheltered Wings, Inc.
<b>STREET</b>	2120 W. Greenview Dr. #4
<b>CITY</b>	Middleton
<b>STATE</b>	Wisconsin
<b>ZIP/POSTAL CODE</b>	53562
<b>COUNTRY</b>	United States
<b>EMAIL</b>	trademark@langlotz.com
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes
<b>ATTORNEY SECTION (current)</b>	
<b>NAME</b>	Bennet Langlotz

<b>FIRM NAME</b>	986 BEDFORD ST
<b>CITY</b>	STAMFORD
<b>STATE</b>	Connecticut
<b>POSTAL CODE</b>	06905-5619
<b>COUNTRY</b>	United States
<b>PHONE</b>	877-230-5950
<b>FAX</b>	877-230-5950
<b>EMAIL</b>	trademark@langlotz.com
<b>ATTORNEY SECTION (proposed)</b>	
<b>NAME</b>	Angela V. Langlotz
<b>FIRM NAME</b>	Langlotz Patent and Trademark Works, Inc.
<b>STREET</b>	P.O. Box 96503 #37585
<b>CITY</b>	Washington
<b>STATE</b>	District of Columbia
<b>POSTAL CODE</b>	20090-6503
<b>COUNTRY</b>	United States
<b>PHONE</b>	866-280-5242
<b>FAX</b>	866-280-5242
<b>EMAIL</b>	trademark@langlotz.com
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes
<b>ATTORNEY DOCKET NUMBER</b>	VX-T24
<b>OTHER APPOINTED ATTORNEY</b>	Bennet K. Langlotz
<b>GOODS AND/OR SERVICES SECTION</b>	
<b>INTERNATIONAL CLASS</b>	009
<b>GOODS OR SERVICES</b>	KEEP ALL LISTED
<b>SPECIMEN FILE NAME(S)</b>	<a href="#">\\TICRS\EXPORT8\IMAGEOUT8\780\293\78029311\xml1\81_50002.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	mark applied directly to the goods
<b>PAYMENT SECTION</b>	
<b>NUMBER OF CLASSES</b>	1

<b>NUMBER OF CLASSES PAID</b>	1
<b>SUBTOTAL AMOUNT</b>	300
<b>TOTAL FEE PAID</b>	300
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/angela v. langlotz/
<b>SIGNATORY'S NAME</b>	Angela V. Langlotz
<b>SIGNATORY'S POSITION</b>	Attorney of Record, Nevada bar member
<b>DATE SIGNED</b>	09/22/2009
<b>PAYMENT METHOD</b>	CC
<b>FILING INFORMATION</b>	
<b>SUBMIT DATE</b>	Tue Sep 22 23:22:03 EDT 2009
<b>TEAS STAMP</b>	USPTO/S08N15-66.233.135.1 86-20090922232203708465-2 886199-460a5f55fc9b74e58c 31162efbbdb8c56-CC-6042-2 0090922230338264664

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**Combined Declaration of Use and Incontestability under Sections 8 & 15  
To the Commissioner for Trademarks:**

**REGISTRATION NUMBER:** 2886199

**REGISTRATION DATE:** 09/21/2004

**MARK:** EAGLE OPTICS

The owner, Sheltered Wings, Inc., having an address of  
2120 W. Greenview Dr. #4  
Middleton, Wisconsin 53562  
United States

is filing a Combined Declaration of Use and Incontestability under Sections 8 & 15.

For International Class 009, the mark is in use in commerce on or in connection with **all** of the goods or services listed in the existing registration for this specific class; **and** the mark has been continuously used in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with **all** goods or services listed in the existing registration for this class. Also, no final decision adverse to the owner's claim of ownership of such mark for those goods or services exists, or to the owner's right to register the same or to keep the same on the register; and, no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts exists.

The owner is submitting one specimen for this class showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) mark applied directly to the goods.

[Specimen File 1](#)

The registrant hereby appoints Angela V. Langlotz and Bennet K. Langlotz of Langlotz Patent and Trademark Works, Inc.

P.O. Box 96503 #37585

Washington, District of Columbia 20090-6503

United States

to file this Combined Declaration of Use and Incontestability under Sections 8 & 15 on behalf of the registrant. The attorney docket/reference number is VX-T24.

A fee payment in the amount of \$300 will be submitted with the form, representing payment for 1 class(es), plus any additional grace period fee, if necessary.

**Declaration**

*The mark is in use in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The mark has been in continuous use in commerce for five (5) consecutive years after the date of registration, or the date of*

*publication under Section 12(c), and is still in use in commerce. There has been no final decision adverse to the owner's claim of ownership of such mark, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the U.S. Patent and Trademark Office or in the courts.*

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /angela v. langlotz/ Date: 09/22/2009

Signatory's Name: Angela V. Langlotz

Signatory's Position: Attorney of Record, Nevada bar member

Mailing Address (**current**):

986 BEDFORD ST

STAMFORD, Connecticut 06905-5619

Mailing Address (**proposed**):

Langlotz Patent and Trademark Works, Inc.

P.O. Box 96503 #37585

Washington, District of Columbia 20090-6503

Serial Number: 78029311

Internet Transmission Date: Tue Sep 22 23:22:03 EDT 2009

TEAS Stamp: USPTO/S08N15-66.233.135.186-200909222322

03708465-2886199-460a5f55fc9b74e58c31162

efbbdb8c56-CC-6042-20090922230338264664



EAGLE OPTICS



**ROUTING SHEET TO POST REGISTRATION (PRU)**

**Registration Number:** 2886199



**Serial Number:** 78029311



**RAM Sale Number:** 6042

**RAM Accounting Date:** 20090923

**Total Fees:** \$300

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
§8 affidavit	7205	20090922	\$100	1	1	\$100
§15 affidavit	7208	20090922	\$200	1	1	\$200

Physical Location: 650 - PUBLICATION AND ISSUE SECTION

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

**Transaction Date:** 20090922





EAGLE OPTICS



## Change Of Correspondence Address

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	78029311
<b>REGISTRATION NUMBER</b>	2886199
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 102
<b>MARK SECTION</b>	
<b>MARK</b>	EAGLE OPTICS
<b>CORRESPONDENCE SECTION (current)</b>	
<b>ORIGINAL ADDRESS</b>	Bennet Langlotz Langlotz Patent Works, Inc. PO Box 759 Genoa Nevada 89411 United States 877 230 5950 877 230 5950 patent@langlotz.com
<b>NEW CORRESPONDENCE ADDRESS</b>	
<b>NEW ADDRESS</b>	Bennet K. Langlotz Langlotz Patent & Trademark Works, Inc. PO Box 96503 # 37585 Washington District of Columbia United States 20090-6503 877-230-5950 877-230-5950 trademark@langlotz.com
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/bennet k. langlotz/
<b>SIGNATORY NAME</b>	Bennet K. Langlotz
<b>SIGNATORY DATE</b>	08/27/2009
<b>SIGNATORY POSITION</b>	Attorney of Record, District of Columbia bar member
<b>AUTHORIZED SIGNATORY</b>	YES

**FILING INFORMATION SECTION**

<b>SUBMIT DATE</b>	Thu Aug 27 14:52:31 EDT 2009
<b>TEAS STAMP</b>	USPTO/CCA-67.169.220.35-2 0090827145231494838-77662 776-4407c2c8ddc2daffeddc0 fab3a383a34c8f-N/A-N/A-20 090827145126523067

## Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	78029311
<b>REGISTRATION NUMBER</b>	2886199
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<b>MARK</b>	EAGLE OPTICS
<b>ATTORNEY SECTION</b>	
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<b>NEW ATTORNEY ADDRESS</b>	
<b>STATEMENT TEXT</b>	By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney:
<b>NAME</b>	Bennet Langlotz
<b>FIRM NAME</b>	Langlotz Patent Works, Inc.
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<b>CITY</b>	Genoa
<b>STATE</b>	Nevada
<b>COUNTRY</b>	United States
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<b>FIRM NAME</b>	Langlotz Patent Works, Inc.
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<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	YES
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/Daniel C. Hamilton/
<b>SIGNATORY NAME</b>	Dan Hamilton
<b>SIGNATORY DATE</b>	09/09/2008
<b>SIGNATORY POSITION</b>	President
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## **Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative**

To the Commissioner for Trademarks:

**MARK:** EAGLE OPTICS

**SERIAL NUMBER:** 78029311

**REGISTRATION NUMBER:** 2886199

**The original attorney**

ST. ONGE STEWARD JOHNSON & REENS LLC

986 BEDFORD ST

03584-T0001A

STAMFORD, CT 06905-5619

**Original Correspondence Address :**

ST. ONGE STEWARD JOHNSON & REENS LLC

986 BEDFORD ST

STAMFORD, CT 06905-5619

By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney:

**Newly Appointed Attorney:**

Bennet Langlotz

Langlotz Patent Works, Inc.

PO Box 759

Genoa, Nevada 89411

United States

877 230 5950

877 230 5950

**The following is to be used as the correspondence address:**

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Signature: /Daniel C. Hamilton/ Date: 09/09/2008

Signatory's Name: Dan Hamilton

Signatory's Position: President

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**Int. Cl.: 9**

**Prior U.S. Cls.: 21, 23, 26, 36 and 38**

**Reg. No. 2,886,199**

**United States Patent and Trademark Office**

Registered Sep. 21, 2004

**TRADEMARK  
PRINCIPAL REGISTER**

**EAGLE OPTICS**

SHELTERED WINGS, INC. (WISCONSIN CORPORATION)  
2120 W. GREENVIEW DR. #4  
MIDDLETON, WI 53562

FOR: BINOCULARS, SPOTTING SCOPES, AND TELESCOPES, ALL FOR USE IN BIRD WATCHING, AND STORAGE CASES THEREFORE, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-1-1996; IN COMMERCE 4-1-1996.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "OPTICS", APART FROM THE MARK AS SHOWN.

SER. NO. 78-029,311, FILED 10-5-2000.

APRIL L. RADEMACHER, EXAMINING ATTORNEY

---

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington , VA 22202-3514  
www.uspto.gov

Jun 9, 2004

**NOTICE OF PUBLICATION UNDER 12(a)**

- |                                      |  |
|--------------------------------------|--|
| 1. Serial No.:<br>78/029,311         | 2. Mark:<br>EAGLE OPTICS               |
| 3. International Class(es):<br>9     |  |
| 4. Publication Date:<br>Jun 29, 2004 | 5. Applicant:<br>Sheltered Wings, Inc. |

The mark of the application identified appears to be entitled to registration. The mark will, in accordance with Section 12(a) of the Trademark Act of 1946, as amended, be published in the Official Gazette on the date indicated above for the purpose of opposition by any person who believes he will be damaged by the registration of the mark. If no opposition is filed within the time specified by Section 13(a) of the Statute or by rules 2.101 or 2.102 of the Trademark Rules, the Commissioner of Patents and Trademarks may issue a certificate of registration.

Copies of the trademark portion of the Official Gazette containing the publication of the mark may be obtained from:

The Superintendent of Documents  
U.S. Government Printing Office  
PO Box 371954  
Pittsburgh, PA 15250-7954  
Phone: (202) 512-1800

By direction of the Commissioner.

---

Correspondence Address:

ST. ONGE STEWARD JOHNSON & REENS LLC  
986 BEDFORD ST  
STAMFORD, CT 06905-5619

TMP&I

Trademark

78029311

TRADEMARK



78029311

NEW CASE DELIVERED

MAR 14 2001

LAW OFFICE 102

PROSECUTION HISTORY

Entry	Date	Initials
1.	MAR 21 2001	<i>[Handwritten Signature]</i>
2.	APR 11 2002	TS
3. <i>AMTA</i>	<i>8/29/02</i>	SEP 25 2002 <i>TS</i>
4.	OCT 16 2002	TS
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6.	JAN - 8 2003	TS
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### About *Cranes in the Mist* (cover)

**Vivian Olsen** is an artist of the Southwest who specializes in wildlife and landscapes. She has been a regular participant in the yearly *Festival of the Cranes* in Socorro where she exhibits and sells her artwork. Since 1990 her crane art has been featured several times on the program booklet covers. Vivian recently retired from teaching art professionally for 17 years, during which time she was limited to part-time work on her own art. She continued to produce for art competitions, art shows, private exhibitions and for four regional galleries. She is also an active Signature member of the New Mexico Watercolor Society.

Vivian's ink drawings include many large birds and mammals native to the West, plus landscapes from areas in and around her home in central New Mexico. Her wildlife subjects are depicted with attention to detail, portrayed in their natural habitats. She also paints in watercolor, oils, pastels and has an array of etchings, enhanced by hand painting. During the summer months she frequents the high country of Colorado and Arizona to paint on site. Her favorite scenes, though, are of her home state of New Mexico where she observes and photographs many of her subjects at the nearby *Resque del Apache* Refuge.

2

# GUIDE TO CHOOSING BINOCULARS

No one particular binocular is perfect for all situations, so determining your primary use is one of the most important factors in choosing the right binocular for your needs. Most models, however, are suitable for a variety of different activities like watching birds and butterflies, star gazing, nature observation, hiking, fishing, and hunting. A good pair of binoculars also brings the action at sporting events and concerts into sharper focus.

Binoculars come in a wide variety of shapes, sizes and specifications, so feel free to call Eagle Optics at 1-800-289-1132 for assistance in selecting optics that will work for you. In this guide, Eagle Optics distills fifteen years of helping our customers choose the right optics into a few questions that will help you find binoculars to match your needs.

### What size binocular do you prefer?

 **Full-size binoculars** offer the greatest light gathering ability and over-all optical performance. Larger objective lenses and prism blocks allow for greater exit pupils, providing brighter, sharper image quality. Typical full-size configurations include the 7x35, 7x50, 8x40, and 10x40 models.

**Compact binoculars** are much more portable than full-size models and may even fit into a purse or coat pocket. Smaller objective lenses limit the light gathering ability of the binocular, but may be ideal for day events. Examples of compact configurations include 7x21, 8x25, and 10x25 models.

### How much magnification do you need?

 **Higher magnifications** of 10x ("ten power") or more will help when observing at longer distances in more open terrain. When viewing raptors, waterfowl, and large wildlife, the extra magnification will give you more detail. Keep in mind that this extra magnification requires a steady hand. However, compact binoculars are so light that it takes very little hand tremor to affect your view.

**Lower magnifications** of 7x or 8x work equally well in all terrain and in a wide variety of situations. The fields of view are wider and images tend to be brighter. Wider fields of view make it easier to follow fast moving birds in thick woodland environments, scan for animals from a distance, and to follow action in sporting events or at the theatre. Low magnification in compact binoculars provides a much steadier view.

### Do your binoculars need to be waterproof?

 Binoculars are made to be used in the field. Most standard binoculars will stand up to light rain and humidity, but if you plan on extended use in bad weather, or if the binocular could be submerged, then waterproofing is suggested. Waterproof binoculars are becoming more popular and cost-effective as more people push into extreme outdoor situations. They are good for boaters, backpackers, hunters and birders that brave the elements. Waterproof optics are literally submersible and any water damage would be handled under the manufacturer's warranty.

If waterproofing isn't necessary, then you can find good optical quality at considerably lower prices. Water-resistant optics will handle occasional splashes, but are not submersible.

### Will you wear eyeglasses or sunglasses?

 Many models of binoculars will allow you to view in comfort while wearing eyeglasses. These binoculars have a feature, known as long eye relief, that allows you to see the full field of view. In order to take advantage of this feature, you roll back, twist in, or pop down the rubber eyecup. Consider models with at least 15mm of eye relief.

### Special considerations for eyeglass wearers:

If you have moderate to severe astigmatism, you will need to wear glasses for serious observing. If your eye correction is for near or far sightedness, then the binocular's focusing travel will usually accommodate for these conditions and you won't need to wear your eyeglasses. Out in the field you will generally use the naked eye to locate birds before looking through your binoculars and, while not optically necessary to keep the glasses on, it is much easier to do so. Constantly taking your glasses on and off is not only frustrating, but it will slow you down when tracking fast moving birds.



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# EAGLE OPTICS

# OPTIC OUTFITTERS

## EAGLE OPTICS BUYING GUIDE



**CRANES IN THE MIST**

## WELCOME TO EAGLE OPTICS!

Thank you for your interest in Eagle Optics! As you go through our buying guide you will find that we offer a choice of equipment from every major manufacturer of visual optics. We only feature those specific models which we believe represent the best performance and value for their category. We are also offering you more in the way of monoculars, magnifiers, microscopes plus multi-tools, apparel, field furniture, navigational aides and more to help you enjoy and explore our world.

Our goal is to provide our customers with the best in customer service along with the finest optical equipment at substantial savings through our discount pricing. As an authorized dealer of each manufacturer we represent you can be assured that that your selection will include factory new equipment with all accessories as supplied by the manufacturer, including a US warranty. Most models listed in the price list are stock items, available for immediate shipment. If you are not satisfied with your purchase, you may return it in its original condition for an exchange or refund.

At Eagle Optics, we want you to select the right equipment for your needs. So, if you want honest advice, feel free to call us at 1-800-289-1132. Our knowledgeable and courteous staff will take the time needed to assist you.

Thank you for your consideration.

Sincerely,  
The Staff at Eagle Optics

### **About our products:**

Prices for most items in this buying guide are found on a separate discount price list. Prices subject to change without notice.

All products from Eagle Optics come complete with a US warranty. Manufacturers will cover different forms of damage under their warranty. For information on the warranty for a specific product, please call us at 1-800-289-1132.



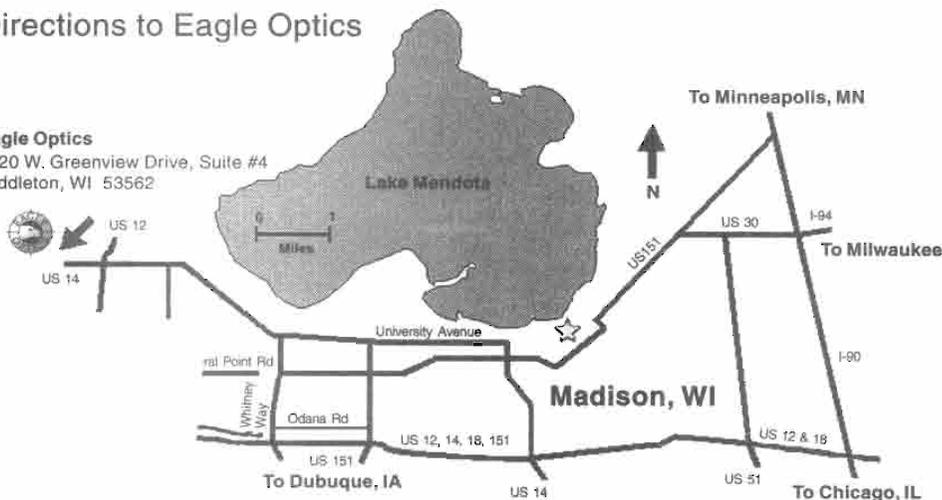
**Eagle Optics**  
2120 W. Greenview Dr. #4  
Middleton, WI 53562

Bulk Rate  
U.S. Postage  
**PAID**  
Permit No. 1547  
Madison, WI

## BINOCULARS, SPOTTING SCOPES & TRIPODS TELESCOPES & OUTDOOR ACCESSORIES

### Directions to Eagle Optics

**Eagle Optics**  
2120 W. Greenview Drive, Suite #4  
Middleton, WI 53562



**From I-90 or I-94:**  
Take **Exit #142A** and go west for 16 miles on **US Highways 12 & 18**. (This is the Beltline Highway; it has no stoplights).  
Take **Exit #251** (University Avenue exit) and go west on **US Highway 14** for 1.1 miles. One block past a stoplight the road will narrow from a four lane boulevard to a two lane highway. You will **turn right** and go north on **Pinehurst Drive** (by Ray-O-Vac) and go 1/2 block before you **turn left** and go west on **S. Greenview Drive**. Look for Eagle Optics at the end of this street.

### OPTICS OUTFITTERS

**ONE OF THE NATION'S LARGEST SELECTION OF BINOCULARS, SPOTTING SCOPES, ACCESSORIES AND MORE!**

Get the best information, advice and prices from Birders who know birds, birders, birding and birding equipment. We've built a nation-wide reputation on offering birders the best in selection, service and prices on quality optical products. Our customers tell us that our comprehensive buying guide is the most complete birding optic buying guide available.

Our courteous and knowledgeable sales staff will assist you in selecting from our complete and extensive inventory~your best value in quality birding equipment.

Visit us at [www.eagleoptics.com](http://www.eagleoptics.com) for our current specials and more great products!

Toll Free Order Line: 800-289-1132  
Technical Assistance: 608-836-6568  
FAX: 608-836-4416  
Email: [ernest1@eagleoptics.com](mailto:ernest1@eagleoptics.com)









# Midwest Birding Symposium

## August 30-September 2, 2001



Mark your calendar now for the 2001 Midwest Birding Symposium (MBS). Hosted by EAGLE OPTICS, BIRDER'S WORLD magazine, and the WISCONSIN SOCIETY FOR ORNITHOLOGY. This much-anticipated birding event will be held in Green Bay, Wisconsin, from Thursday, August 30, through Sunday, September 2, 2001 at the Regency Suites Hotel and KI Convention Center. This seventh biannual birding event will offer a varied menu of 28 speakers, workshops and varied field trips for birders of all levels of expertise. Located in the northeast portion of the state, Green Bay is surrounded by wetlands that vary from Lake Michigan shoreline to cattail marsh and sedge meadow. The area lies along major pathways for fall migrants.

All the proceeds from the Symposium are going to the Whooping Crane Reintroduction Project here in the Midwest with matching funds coming from the National Fish and Wildlife Foundation.

The theme of Wetlands and Wetland Species will ring through the weekend of activities that will include birding field trips, visits to nature centers and museums, and bay cruises. The roster of speakers continues to expand, with familiar faces returning to the microphone as well as experts new to the symposium experience. Speakers include John Acorn, George Archibald, Kenn Kaufman, Arthur Morris, Peter Stangel, and more will be available throughout the symposium. Highlights of the 2001 MBS will include bus trips with guides to major birding areas, nationally renowned keynote speakers, a youth day, and a market fair of birding products.

Information and reservations for the MBS can be made through the BIRDER'S WORLD magazine website - [www.birdersworld.com](http://www.birdersworld.com) <<http://www.birdersworld.com>>; by telephone, or through mail or fax. If you have questions concerning exhibitor or attendee registration, please contact Jenny Birkel at 800-558-1544, ext. 245; by fax at 262-798-6592; by e-mail at [jbirkel@kalmbach.com](mailto:jbirkel@kalmbach.com) or write to J. Birkel, c/o KPC, P.O. Box 1612, Waukesha, WI 53187-1612.

The symposium will be held at the Regency Suites Hotel and the KI Convention Center in downtown Green Bay. We encourage you to book lodging at the Regency, which will serve as host hotel and symposium headquarters. There, you will experience comfortable rooms and fine cuisine (complete with vegetarian options and full breakfasts). All meals, concurrent sessions, and keynote speakers will be scheduled at the Regency Suites Hotel and KI Convention Center. For accommodations, call 800-236-3330 and request the special Midwest Birding Symposium room rate of \$99.00.

The Green Bay Area Visitor and Convention Bureau can be reached at 888-867-3342 or through their website - [www.greenbay.org](http://www.greenbay.org). The visitor bureau will supply you with lists of hotels and motels, campsites, and RV centers should you wish to consider alternative lodging. Shopping, birding, and many other recreational opportunities abound within a short walking or driving distance of symposium headquarters. Green Bay is easily reached by auto from the north (Highway 41), south (Highways 43 and 41), and west (Highway 29). Austin Straubel Airport, served by American Eagle, Midwest Express, Northwest, United Express, and Delta/Comair, is just minutes away from the Regency Suites. Shuttle service is available.

Sponsors include Swift Instruments, Leica Sports Optics, Swarovski Optics, Kaytee Products, Inc., Wild Birds Unlimited, National Fish and Wildlife Foundation, Wisconsin Department of Natural Resources (WDNR), U.S. Fish and Wildlife Service, the Green Bay Area Visitor and Convention Bureau, Friends of Bay Beach Wildlife Sanctuary, and Mosquito Hill Nature Center.

We look forward to seeing you in Green Bay!



2120 W. Greenview Dr. #4 Middleton, WI 53562  
Toll Free Order Line (800) 289-1132

(608) 36-7172

www.eagleoptics.com

Page 1

Prices and Specifications subject to change without notice or obligation

Date: 03/16/2001

Note: The word "CALL" in the price list means that our price on the item may be below "minimum advertised price".

LEICA	Binoculars	List Price	Our Price
040-335	Leica 8 X 20 T BC Black	\$389.00	CALL
040-337	Leica 8 X 20 T BCA Green RA	\$429.00	CALL
040-339	Leica 8 X 20 T BCA Black RA	\$429.00	CALL
040-336	Leica 10 X 25 T BC Black	\$429.00	CALL
040-338	Leica 10 X 25 T BCA Green RA	\$459.00	CALL
040-340	Leica 10 X 25 T BCA Black RA	\$459.00	CALL
040-018	Leica 8 X 32 BN	\$995.00	CALL
040-015	Leica 10 X 32 BN	\$1,045.00	CALL
040-018	Leica 7 X 42 BN Ultra Black	\$695.00	CALL
040-248	Leica 7 X 42 BN Green w/black eyecup	\$695.00	CALL
040-017	Leica 8 X 42 BN Ultra Black	\$1,045.00	CALL
040-250	Leica 8 X 42 BN Green w/black eyecup	\$1,045.00	CALL
040-019	Leica 10 X 42 BN Ultra Black	\$1,095.00	CALL
040-251	Leica 10 X 42 BN Green w/black eyecup	\$1,095.00	CALL
040-086	Leica 8 X 50 BN Black w/black eyecup	\$1,145.00	CALL
040-070	Leica 10 X 50 BN Black w/black eyecup	\$1,195.00	CALL
040-071	Leica 12 X 50 BN Black w/black eyecup	\$1,345.00	CALL
040-323	Leica 8 X 50 BN Hunting Kit	\$1,195.00	CALL
40510	Leica LRP 800 Laser Rangefinder	\$449.00	\$399.00
042-182	Leica Neotreme Neck Strap	\$59.00	\$44.00
042-183	Leica Neotreme Neck Strap	\$59.00	\$44.00
042-211/10	Leica Cordura nylon case for Ultra	\$53.00	\$39.75
042-212/3	Leica Field Holder for Ultra Binocs	\$105.00	\$72.50
042-188/70/71	Leica Hand Leather Case - All full size Ultr	\$196.00	\$149.75
042-159	Leica Neck Strap/Ultra	\$25.00	\$22.75
042-144/129	Leica Rainquartz/Ultra (or Trinovid) - Black	\$29.00	\$19.75
042-149	Leica Neck Strap/BBA	\$25.00	\$19.00
042-198	Leica Soft Case - Compacts - 8 X 25 BC	\$44.00	\$38.75
042-199	Leica Soft Case - Compacts - 10 X 25 BC	\$44.00	\$38.75

ZEISS	Binoculars	List Price	Our Price
52-20-10P	Zeiss 5 X 10 Mini Quick w/Leather Pouch	\$109.95	\$98.00
52-20-12	Zeiss 3 X 12B Mono Classic	\$336.00	\$238.00
52-20-12A	Zeiss "Tripe X" Adapter with 3 X 12B Mon	\$349.00	\$288.00
52-20-12V	Zeiss "Tripe X" Adapter with 3 X 12B Mon	\$349.00	\$288.00
52-20-50	Zeiss 4 X 12B T Design/Selection Mon	\$278.00	\$178.00
52-20-51	Zeiss 8 X 188 T Design/Selection Mon	\$238.00	\$198.00
52-20-52	Zeiss 8 X 208 T Design/Selection Mon	\$259.00	\$229.00
52-20-53	Zeiss 10 X 258 T Design/Selection Mon	\$279.00	\$249.00
52-20-28	Zeiss 8 X 208 Classic Pocket Binocular	\$399.95	\$329.00
52-20-28	Zeiss 10 X 258 Classic Pocket Binocular	\$429.95	\$348.00
52-20-40/46	Zeiss 8 X 208 Design/Selection Binocular	\$489.95	\$368.00
52-20-47/67	Zeiss 10 X 258 Design/Selection Binocular	\$529.95	\$418.00
52-30-06	Zeiss 8 X 30B/MAC Diaph Binocular	\$480.00	CALL
52-30-20	Zeiss 10 X 30B/MAC Diaph Binocular	\$549.00	CALL
52-35-06	Zeiss 8 X 30B/GA Classic Daily Binoc	\$999.95	CALL
52-40-06	Zeiss 7 X 42B/GA Classic Daily Binoc	\$1,149.95	CALL
52-40-13	Zeiss 10 X 40B/GA Classic Daily Binoc	\$1,149.95	CALL
52-40-30	Zeiss Victory 8 X 40 B T NEW!	\$1,249.95	CALL
52-40-35	Zeiss Victory 10 X 40 B T NEW!	\$1,299.95	CALL
52-56-60	Zeiss Victory 8 X 56 B T NEW!	\$1,449.95	CALL
52-56-62	Zeiss Victory 10 X 56 B T NEW!	\$1,499.95	CALL

FUJINON	Binoculars	List Price	Our Price
7000823	Fujinon 8 X 23AD Air Drop Black, Red or	\$330.00	\$168.00
7307743	Fujinon 7 X 42 CD - Roof Prism, WP	\$425.00	\$458.00
7307843	Fujinon 8 X 42 CD - Roof Prism, WP	\$780.00	\$478.00
7310421	Fujinon 10 X 42 CD - Roof Prism, WP	\$790.00	\$508.00
7200842	Fujinon 8 X 42 BFL - WP, CF, LER, RA	\$470.00	\$248.00
7201042	Fujinon 10 X 42 BFL - WP, CF, LER, RA	\$480.00	\$258.00
7317832	Fujinon 6 X 32 HS - CF, LER, RA	\$450.00	\$218.00
7311042	Fujinon 10 X 42 HS - CF, LER, RA	\$480.00	\$228.00
7107830	Fujinon 8 X 30 FMTR-SX - IF, LER, R	\$710.00	CALL
7107502	Fujinon 7 X 50 FMTR-SX - IF, LER, R	\$920.00	CALL
7107507	Fujinon 7 X 50 FMTR-SX - IF, LER, R	\$1,030.00	CALL
7107518	Fujinon 10 X 70 FMTR-SX - IF, LER, R	\$1,160.00	CALL
7110701	Fujinon 16 X 70 FMTR-SX - IF	\$1,240.00	CALL
7167000	Fujinon 8 X 32 HS - RP, WP, RA, IF	\$280.00	\$218.00
7317832	Fujinon 10 X 42 HS - RP, WP, RA, IF	\$300.00	\$228.00
7311042	Fujinon 10 X 60 HB RP, WP, CF, Phase α	\$1,080.00	CALL
7109000	Fujinon 12 X 60 HB RP, WP, CF, Phase α	\$1,140.00	CALL
7126000	Fujinon 15 X 60 HB RP, WP, CF, Phase α	\$1,200.00	CALL
7156000	Fujinon 2X Doublet for HB Binoculars	\$250.00	\$218.00
7002200	Fujinon 14 X 40 Techno-Stabi	\$1,800.00	CALL
7511440	Fujinon		

EAGLE OPTICS	Binoculars	List Price	Our Price
71155	Eagle 7 X 36 EO Ranger - RP, RA, C	\$700.00	\$318.00
71156	Eagle 8 X 42 EO Ranger - RP, RA, C	\$730.00	\$298.00
71158	Eagle 10 X 42 EO Ranger - RP, RA, C	\$740.00	\$308.00
71160	Eagle 10 X 50 EO Ranger - RP, RA, C	\$780.00	\$318.00
71161	Eagle 8 X 24 WP EO Ranger - RP, RA, C	\$300.00	\$98.00
71163	Eagle 10 X 28 WP EO Ranger - RP, RA, C	\$320.00	\$108.00
71158PC	Eagle Phase Corrected Ranges 8 X 42 PC EO Ranger - RP, RA	\$870.00	\$368.00
71158PC	Eagle 10 X 42 PC EO Ranger - RP, RA	\$880.00	\$368.00
71160PC	Eagle 10 X 50 PC EO Ranger - RP, RA	\$900.00	\$368.00
71161PC	Eagle 6 X 24 PC EO Ranger - RP, RA	\$350.00	\$148.00
71163PC	Eagle 10 X 28 PC EO Ranger - RP, RA	\$370.00	\$158.00
062-120EO	Eagle Phase Corrected Ranges 8 X 42 PC EO Raptor - RP, RA	\$699.00	\$348.00
062-125	Eagle 10 X 42 PC EO Raptor - RP, RA	\$649.00	\$448.00
71565	Eagle Voyager 8 X 25 EO Voyager - Reverse Porro	\$106.00	\$49.00
71566	Eagle Voyager 10 X 25 EO Voyager - Reverse Porro	\$120.00	\$69.00

BAUSCH & LOMB	Binoculars	List Price	Our Price
62-0842	B & L 8 X 42 New Elite PC/RA Water	\$1,585.00	CALL
62-4210	B & L 10 X 42 New Elite PC/RA Water	\$1,864.00	CALL
62-1250	B & L 12 X 50 Elite PC/RA Waterproof	\$1,737.00	CALL
61-0742	B & L 7 X 42 Discoverer/ Waterproof	\$548.00	\$338.00
61-0142	B & L 10 X 42 Discoverer/ Waterproof	\$568.00	\$368.00
61-0726	B & L 7 X 26 Custom RA - LER, Class F	\$420.00	\$248.00
61-8361	B & L 8 X 36 Custom RA - LER, Class F	\$450.00	\$288.00
12-8025	B & L 8 X 25 Legacy FRP New RA	\$97.95	\$62.00
12-0125	B & L 10 X 25 Legacy FRP New RA	\$93.95	\$62.00
12-0824	B & L 8 X 24 Legacy New Waterpr	\$271.95	\$136.00
122410	B & L 10 X 24 Legacy New Waterpr	\$282.95	\$150.00
12-8741	B & L 8 X 40 Legacy - RA, WA	\$189.95	\$99.00
12-1056	B & L 10 X 50 Legacy - RA, WA	\$217.95	\$115.00

SWAROVSKI	Binoculars	List Price	Our Price
48008	Swarovski 8 X 20B Mini - CF, LER (Car	\$487.78	CALL
56010	Swarovski 10 X 25B Mini - CF, LER (Car	\$532.22	CALL
54005	Swarovski 8 X 30 Classic - CF, WA (No Ca	\$665.56	CALL
54001	Swarovski 7 X 42 Classic - CF, LER (No C	\$654.44	CALL
54014	Swarovski 10 X 40 Classic - CF (No Case)	\$712.11	CALL
54006	Swarovski 8 X 30 Classic MGA - CF, WA	\$787.78	CALL
54002	Swarovski 7 X 42 Classic MGA - CF, LER	\$787.78	CALL
58021	Swarovski 10 X 40 Classic MGA - CF, RA	\$876.67	CALL
58025/26	Swarovski 7 X 30 WB SLC NEW! - CF, WALL	\$732.22	CALL
58007/8	Swarovski 8 X 30 WB SLC - CF, WALLER, Bla	\$887.78	CALL
58006/10	Swarovski 7 X 42 SLC Black or Green - Diop	\$1,076.67	CALL
58007/11	Swarovski 10 X 42 SLC Black or Green - Diop	\$1,143.33	CALL
58060/61	Swarovski 7 X 50 SLC Black or Green	\$1,310.00	CALL
58050/51	Swarovski 8 X 50 SLC Black or Green	\$1,365.55	CALL
58060/61	Swarovski 8 X 50 SLC Black or Green	\$1,387.78	CALL
58061	Swarovski 15 X 56 SLC Green	\$1,543.33	CALL
34008	Swarovski 8 X 54 SLC Green	\$1,832.22	CALL
34010	Swarovski 10 X 42 EL NEW! with padded alu	\$1,532.22	CALL
49240	Swarovski 2X Doublet for SLC/EL Binoculars	\$1,610.00	CALL
60131	Swarovski Vista Plus SLC Carry Case (30 & 42	\$287.87	CALL
49182	Swarovski Bino Suspender (like Bino-flex str	\$45.75	\$35.00
49172	Swarovski Bino Suspender (like Bino-flex str	\$25.75	\$24.00
	Swarovski Floatation Strap/Orange	\$30.00	\$27.00

KOWA	Binoculars	List Price	Our Price
K742	Kowa Sorry, Discontinued		
K1042	Kowa Sorry, Discontinued		
K0845	Kowa Sorry, Discontinued		
K1045	Kowa Sorry, Discontinued		

NIKON	Binoculars	List Price	Our Price
7470	Nikon 8 X 25 Travelite V	\$156.95	\$99.00
7471	Nikon 9 X 25 Travelite V	\$196.95	\$119.00
7472	Nikon 10 X 25 Travelite V	\$176.95	\$119.00
7473	Nikon 12 X 25 Travelite V	\$196.95	\$129.00
7474	Nikon 8-24 X 25 Travelite V Zoom - NEY	\$240.95	\$158.00
7315	Nikon 7 X 35 Natureline IV	\$150.95	\$89.00
7316	Nikon 8 X 40 Egnel II	\$178.95	\$108.00
7317	Nikon 7 X 50 Shoreline	\$188.95	\$118.00
7318	Nikon 10 X 50 Lockout IV	\$208.95	\$138.00
7360	Nikon 12 X 50 Fieldmaster	\$238.95	\$148.00
7398	Nikon 7-15 X 35 Scoutmaster III Zoom	\$242.95	\$148.00
7326	Nikon 10-22 X 50 Scoutmaster XL - NEW!	\$272.95	\$168.00
7378	Nikon 8 - 24 X 25 Eagleview Zoom II	\$240.95	\$148.00
7380	Nikon 8 X 21 Medallion - NEW!	\$118.95	\$75.00
7310	Nikon 10 X 21 Medallion - NEW!	\$128.95	\$79.00
7344	Nikon 10 X 42 Attache	\$360.95	\$208.00
7345	Nikon 8 X 40 Monarch ATB	\$430.95	\$234.00
7446	Nikon 10 X 40 Monarch ATB	\$470.95	\$254.00
7410	Nikon 10 X 50 Tundra ATB - NEW!	\$384.95	\$236.00
7411	Nikon 8 X 30 E2 Series - NEW!	\$730.95	CALL
7381	Nikon 8 X 35 E2 Series - NEW!	\$800.95	CALL
7311	Nikon 10 X 32 Superior E	\$958.95	CALL
7362	Nikon 10 X 42 Superior E	\$1,230.95	CALL
7346	Nikon 8 X 42 Venture LX	\$1,818.95	CALL
7347	Nikon 10 X 42 Venture LX	\$1,818.95	CALL
7789	Nikon 7 X 50 Prostat	\$1,818.95	CALL
7893	Nikon 10 X 70 Astrolux	\$2,184.95	CALL
7447	Nikon 18 X 70 Astrolux - NEW!	\$2,100.95	CALL
7340	Nikon 8 X 25 Mountaineer II ATB	\$2,198.95	CALL
7341	Nikon 10 X 25 Mountaineer II ATB	\$318.95	CALL
7401	Nikon Buckmasters Laser 800 Rangefinde	\$378.95	CALL
7402	Nikon Buckmasters Laser 800 Rangefinde	\$558.95	\$338.00
7375	Nikon Buckmasters Laser 800 Rangefinde	\$588.95	\$358.00
7312	Nikon 8 X 21 Buckmasters - NEW!	\$116.95	\$69.00
7362	Nikon 8 X 21 Buckmasters - NEW!	\$128.95	\$75.00
7391	Nikon 5 X 15 Titanium Pocket	\$754.95	\$418.00
7491	Nikon 7 X 15 Titanium Pocket	\$774.95	\$428.00
7383	Nikon 7 X 15 Pocket Monocular	\$310.95	\$178.00
7442	Nikon 8 X 15 Monocular	\$336.95	\$188.00
7443	Nikon 7 X 30 IF Sports & Marine - NEW!	\$130.95	\$89.00
7440	Nikon 7 X 50 IF Sports & Marine w/compa	\$414.95	\$238.00
7441	Nikon 7 X 50 Ocean Pro - NEW!	\$324.95	\$188.00
	Nikon 7 X 50 Ocean Pro w/Compass - NE	\$416.95	\$238.00

KEY TO ABBREVIATIONS:  
RA = Rubber Armored; WA = Wide Angle; WP = Waterproof;  
CF = Center Focus; IF = Individual Focus; WR = Water Resistant;  
RP = Roof Prism; PP = Porro Prism; LER = Long Eye Relief;



2120 W. Greenview Dr Middleton, WI 53562  
Toll Free Order Line (800) 289-1132

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www.eagleoptics.com

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**BUSHNELL**

Model	Description	List Price	Our Price
13-0430	4 X 30 Lite Vision Compact (Power)	\$27.95	\$17.95
11-8400	Bushnell		
13-2030	8 X 40 Birder Ex	\$74.95	\$46.00
13-2000	8 X 30 Natureview Compact E	\$149.95	\$86.00
13-2010	8 X 42 Natureview Ed	\$189.95	\$95.00
13-0421	10 X 42 Natureview Ed	\$204.95	\$115.00
13-0552	4 X 21 Xtra-Wide Binocular - 900'	\$127.95	\$88.00
13-0852	5 X 25 Xtra-Wide Compact - 655'	\$127.95	\$88.00
13-1052	8 X 25 Xtra-Wide Compact - 472'	\$138.95	\$95.00
13-0925	10 X 25 Xtra-Wide Compact - 380'	\$150.95	\$94.00
13-2512	9 X 25 Legend Compact - Waterproof	\$289.95	\$168.00
13-4208	12 X 25 Legend Compact - Waterproof	\$300.95	\$178.00
13-0142	8 X 42 Legend - Waterproof/Fogp	\$501.95	\$268.00
13-3008	10 X 42 Legend - Waterproof/Fogp	\$524.95	\$278.00
13-3010	8 X 30 Off Trail Compact	\$143.95	\$89.00
23-0825	10 X 30 Off Trail Compact	\$152.95	\$99.00
23-1025	8 X 25 Trophy - Waterproof/	\$127.95	\$88.00
23-1042	10 X 25 Trophy - Waterproof/	\$134.95	\$74.00
13-0805	10 X 42 Trophy - Waterproof/	\$307.95	\$168.00
13-1005	8 X 25 "H2O" Compact Waterproof	\$63.95	\$54.00
13-1006	10 X 25 "H2O" Compact Waterproof	\$70.95	\$55.00
13-1205	12 X 25 "H2O" Compact Waterproof	\$70.95	\$55.00
13-2408	8x42 "H2O" Full-Size	\$77.95	\$59.00
13-2410	10x42 "H2O" Full-Size	\$111.95	\$85.00
13-2412	12x42 "H2O" Full-Size	\$125.95	\$95.00
13-7500	7 X 50 Marine Waterproof/Fogp	\$125.95	\$95.00
13-7501	7 X 50 Marine Waterproof/Fogp	\$387.95	\$198.00
13-7600	7 X 60 Marine/Astronomy Waterp	\$250.95	\$158.00
13-7500	7 X 50 Marine Waterproof/Fo	\$387.95	\$208.00
20-0500	Yardage Pro 500X Laser Rangef	\$296.95	\$198.00
20-0600	Yardage Pro 800 Laser Rangefir	\$399.95	CALL
20-1000	Yardage Pro 1000 Laser Rangefir	\$558.95	CALL
20-0880	Yardage Pro 800 Compact Laser	\$627.95	CALL
		\$627.95	CALL

**PENTAX**

Model	Description	List Price	Our Price
61305	7 X 20 Monocular/Microscope - 22X	\$152.00	\$98.00
62103	8 X 24 UCF G	\$168.00	\$88.00
62104	10 X 24 UCF G	\$180.00	\$98.00
62195	12 X 24 UCF G	\$196.00	\$109.00
62196	16 X 24 UCF G	\$225.00	\$119.00
62200	8 X 21 UCF M - NEW!	\$110.00	\$68.00
62196	10 X 21 UCF M - NEW!	\$120.00	\$78.00
62185	8 - 16 X 21 UCF Zoom	\$214.00	\$128.00
62171	8 - 20 X 24 UCF Zoom	\$334.00	\$188.00
62172	8 X 24 UCFWR - CF, RA, WF	\$202.00	\$109.00
62580	10 X 24 UCFWR - CF, RA, WF	\$224.00	\$118.00
62590	8 X 22 DCF MC w/case - phase con	\$290.00	\$158.00
62530	10 X 25 DCF MC w/case - phase co	\$330.00	\$178.00
62540	8 X 42 DCFHR - Roof Prism C	\$480.00	\$258.00
62550	12 X 42 DCFHR - Roof Prism C	\$550.00	\$298.00
62600	8 X 32 DCF WP	\$620.00	\$328.00
62560	8 X 42 DCF WP	\$655.00	CALL
62570	10 X 42 DCF WP	\$780.00	CALL
65781	8 X 40 PCF V - NEW!	\$900.00	CALL
65782	10 X 40 PCF V - NEW!	\$250.00	CALL
65783	7 X 50 PCF V - NEW!	\$252.00	CALL
65784	10 X 50 PCF V - NEW!	\$255.00	CALL
65785	12 X 50 PCF V - NEW!	\$274.00	CALL
65786	16 X 60 PCF V - NEW!	\$287.00	CALL
65787	20 X 80 PCF V - NEW!	\$370.00	CALL
62337	8 X 18 FB	\$394.00	CALL
62338	10 X 18 FB	\$250.00	\$148.00
69552	Tripod Adapter for UCF	\$310.00	\$178.00
69553	Tripod Adapter for PCF/DCF	\$9.00	\$8.95
		\$28.00	\$19.95

**SWIFT**

Model	Description	List Price	Our Price
829	8 X 42 Werbler - NEW MODEL!	\$550.00	\$288.00
830	10 X 42 Viceroy - NEW MODEL!	\$550.00	\$278.00
827	8.5 X 44 Audubon Roof Prism	\$795.00	CALL
826	10 X 50 Audubon (Kestral)	\$405.00	CALL
820	8.5 X 44 Audubon - NEW MOD	\$595.00	CALL
820ED	8.5 X 44 Audubon ED - NEW M	\$790.00	CALL
760	8 X 32 Ultra Lite	\$425.00	\$198.00
761	7 X 42 Ultra Lite	\$430.00	\$198.00
762	8 X 42 Ultra Lite	\$440.00	\$197.00
764	10 X 42 Ultra Lite	\$460.00	\$218.00
765ED	9 X 63 Ultra Lite ED	\$745.00	\$347.00
817	8 X 44 ED Ultra Lite ED	\$725.00	\$338.00
816	8 X 42 TriLite Waterproof	\$360.00	\$178.00
712	10 X 42 TriLite Waterproof	\$365.00	\$188.00
713	8 X 28 Trekker Rev Porro Prism c	\$360.00	\$188.00
	7x50 Sae Wolf	\$499.00	\$238.00

**MINOLTA**

Model	Description	List Price	Our Price
8592-107	8 X 25 Pocket Active WP	\$129.95	\$118.00
8592-207	10 X 25 Pocket Active WP	\$149.95	\$128.00
8598-107	8 X 25 Compact Active	\$106.95	\$98.00
8598-207	10 X 25 Compact Active	\$119.95	\$108.00
8585-117	7x35W Active	\$119.95	\$128.00
8585-217	7x50W Active	\$119.95	\$128.00
8585-417	8x40W Active	\$119.95	\$158.00
8585-517	10x50W Active	\$119.95	\$155.00
8585-617	12x50W Active	\$119.95	\$163.00
8591-117	8 X 42D Active WP	\$429.00	CALL
8591-217	10 X 42D Active WP	\$486.00	CALL

**MINOX**

Model	Description	List Price	Our Price
062-000	Minox		
062-005	8 X 24 Porro prism	\$99.00	\$76.00
062-200	10 X 25 Porro prism	\$109.00	\$89.00
0622-01	6 X 16MD Monocular	\$96.00	\$78.00
062-115	8 X 16MD Monocular - NEW!	\$129.00	\$119.00
062-116	8 X 24BR Roof prism - NEW!	\$149.00	\$138.00
062-119	10 X 25BR Roof prism - NEW!	\$159.00	\$148.00
062-125	8 X 32BR Roof Prism - NEW!	\$499.00	\$398.00
	10 X 42BR Roof Prism - NEW!	\$549.00	\$498.00

**CANON**

Model	Description	List Price	Our Price
079-0002	Canon		
079-0021	10 X 30IS - Image Stabilized Binoc.	\$960.00	CALL
079-0005	12 X 36IS - Image Stabilized Binoc.	\$1,599.00	CALL
079-0004	15 X 50IS - All Weather Image Stab	\$2,400.00	CALL
070-0010	18 X 50IS - All Weather Image Stab	\$2,900.00	CALL
079-9005	Canon		
079-9001	Anti-Fog Eyepiece AE-B1	\$140.00	\$95.00
079-9002	8 X 23 A - Compact Reverse Porro	\$120.00	\$88.00
079-8003	8 X 32 Waterproof Roof Prism	\$229.00	\$168.00
079-8011	8 X 23 AWP - Waterproof Reverse i	\$269.00	\$128.00
079-9012	Canon		
	10 X 25 A - Compact Roof Prism	\$199.00	\$89.00
	5 X 17 FC	\$160.00	\$88.00
	7 X 17 FC	\$190.00	\$98.00

**CELESTRON**

Model	Description	List Price	Our Price
71504	Celestron		
71145	8 X 25 RA Monocular	\$69.00	\$37.00
71146	7 X 35 Bird Watchers Series	\$140.00	\$98.00
71147	8 X 40 Bird Watchers Series	\$150.00	\$108.00
71112	10 X 50 Bird Watchers Series	\$180.00	\$118.00
71113	7 X 50 Ultima LER	\$420.00	\$248.00
71126	8 X 40 Ultima LER	\$380.00	\$208.00
71128	8 X 56 Ultima LER	\$440.00	\$288.00
71127	9 X 63 Ultima LER	\$500.00	\$348.00
71200	10 X 50 Ultima LER	\$410.00	\$248.00
71201	8 X 32 Noble Series - Spec	\$610.00	\$398.00
71202	8 X 42 Noble Series - Spec	\$280.00	\$358.00
71203	10 X 42 Noble Series - Spec	\$670.00	\$368.00
71015	10 X 50 Noble Series - Spec	\$710.00	\$386.00
	20 X 80 Giant Binoculars/Dia	\$850.00	\$398.00

**STEINER**

Model	Description	List Price	Our Price
222	Steiner		
248	8 X 22 Predator	\$249.00	\$148.00
258	8 X 42 Predator	\$1,199.00	\$648.00
266	8 X 30 Predator	\$1,299.00	\$698.00
212	Steiner		
260	12 X 40 Predator	\$379.00	\$218.00
280	6 X 30G Military Marine	\$679.00	\$378.00
290	8 X 30G Military Marine	\$489.00	\$258.00
210	Steiner		
275	10 X 50G Military Marine	\$339.00	\$188.00
290	7 X 50G Military Marine	\$839.00	CALL
382B/383Gr	Steiner		
185	9 X 40 Military Marine (Big Ho	\$879.00	CALL
415	Steiner		
416	7 X 50 AC Commander III - IF, F/W,	\$1,434.00	CALL
420	8 X 30 Navigator	\$379.00	\$208.00
481	15 X 80 Senator - 30 yr warranty	\$1,749.00	\$888.00
481	15 X 80 Senator w/compass - 30 yr	\$2,199.00	\$1,128.00
538	Steiner		
570	20 X 80 Senator - 30 yr warranty	\$1,788.00	\$918.00
580	8 X 30 B/ST Tactical - CAT, M22 R	\$899.00	CALL
595	7 X 50 B/ST Tactical - CAT, M22 R	\$1,299.00	CALL
510	Steiner		
512	8 X 30 Night Hunter - MI Spec., 3X	\$639.00	CALL
	8 X 56 Night Hunter - MI Spec., 3X	\$1,389.00	CALL
	10 X 50 Night Hunter - MI Spec., 3X	\$1,199.00	CALL
	12 X 56 Night Hunter - MI Spec., 3X	\$1,439.00	CALL

**LEUPOLD**

Model	Description	List Price	Our Price
51825	Leupold		
48614	8 X 30 Reverse Porro - CF, F/N	\$187.50	\$118.00
48616	10 X 30 Reverse Porro - CF, F/N	\$223.20	\$136.00
52214	Leupold		
49480	8 X 32 Roof Prism (CF) - CF, F/	\$573.20	\$358.00
49461	10 X 42 Roof Prism (CF) - CF, F/	\$814.30	\$378.00
49231	Leupold		
50285	10 X 50 CF Armored Waterproof P	\$348.20	\$218.00
48612	Leupold		
	9 X 25 Gold Ring Roof Prism - IF	\$601.80	\$378.00
	10 X 28 Gold Ring Roof Prism - IF	\$639.30	\$398.00
	8 X 42 Porro Prism (CF) - CF,	\$278.80	CALL
	10 X 50 Porro Prism (CF) - CF,	\$314.30	CALL
	10 X 40 Porro Prism (IF)	\$446.40	CALL

**BURRIS**

Model	Description	List Price	Our Price
300180	Burris		
300161	Burris		
300171	Burris		
300172	Burris		
300180	Burris		
300181	Burris		
300182	Burris		
300190	Burris		
300191	Burris		

**BRUNTON**

Model	Description	List Price	Our Price
4022W	Brunton		
4008W	8 X 25 Eterna Waterproof	\$249.99	CALL
4008W	10 X 25 Eterna Waterproof	\$254.99	CALL
4008W	7 X 42 Eterna Waterproof Roof P	\$419.99	CALL
4008W	10 X 42 Eterna Waterproof Roof P	\$424.99	CALL
5027	Brunton		
5028	12 X 42 Eterna Waterproof Roof P	\$429.99	CALL
5030	8 X 25 Lite-Tech Waterproof	\$124.95	\$89.00
5032	Brunton		
4061	Brunton		
	8 X 32 Lite Tech Plus Waterproof R	\$224.95	\$178.00
	10 X 42 Lite Tech Plus Waterproof	\$249.95	\$198.00
	8 - 25 X 25 Compact Zoom	\$89.99	\$58.00
	5 X 10 Penoscope/25X Microscope	\$49.99	\$39.99



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Brand	Model	Description	List Price	Our Price
<b>LEUPOLD</b>	47878	Leupold 12-40 X 60 Variable	\$1,132.10	\$648.00
	42284	Leupold Packar Tripod	\$87.50	\$69.00
<b>BURRIS</b>	300120	Burris, Discontinued		
	300130	Burris, Discontinued		
	300125	Burris, Discontinued		
<b>BAUSCH &amp; LOMB</b>	78-1600	B & L Discoverer 60mm/15-60X Zoom	\$391.95	\$208.00
	22-3030	B & L Discoverer Camera Mount - 1000-41	\$25.95	\$16.00
	78-9107H	B & L Discoverer Hard Case	\$76.95	\$45.00
	JGBL100	JeffG Cordura Nylon Case/Green for Disc	\$69.00	\$45.00
	62-1548P	B & L 60mm Elite PC15-45X Zoom	\$766.95	\$378.00
	62-2670P	B & L 70mm Elite PC20-60X Zoom - NE	\$877.95	\$458.00
	610080	B & L 80mm Elite ED w/20-4X zoom	\$1,212.95	\$598.00
<b>MEADE</b>	ETX590	Meade ETX Spotting Scope 90mm, #13.8	\$720.00	\$428.00
	ETX600	Meade ETX-60/EC Astro Scope 90mm, 11"	\$1,030.00	\$595.00
	ETX6125	Meade ETX-125/EC Astro Scope 125mm, 14"	\$1,540.00	\$888.00
	7436	Meade #497 Autostar Computer Controller	\$220.00	\$149.00
	7019	Meade Tripod, Field for LX10 Field	\$295.00	\$195.00
	7188	Meade Super Wide Angle 27/52mm	\$375.00	\$239.00
	7395	Meade Piggyback Bracket - 10" SCT	\$46.00	\$29.00
	7562	Meade AC Adapter - LX10/LX50/115V	\$50.00	\$35.00
	7562	Meade AC Adapter #541 - 201XT/208XT/2	\$50.00	\$35.00
Call for a complete line of ETX accessories				
<b>EAGLE OPTICS</b>	52260-EO	Eagle Optics Voyager 80mm Scoo	\$599.00	\$328.00
	EO Voyager 80mm	Scope includes a 1.25" 10mm (40X) and 20mm (20X) Plossl eyepiece, erect image diagonal, 6 X 30 finder and lens shade		
	52270-EO	Eagle Optics Voyager 102mm Ser	\$799.00	\$348.00
	EO Voyager 102mm	Scope includes a 1.25" 10mm (50X) and 25mm (20X) Plossl eyepiece, erect image diagonal and lens shade		
	52290-EO	Eagle 15-42 X 60 "Raven" Waterproof 6"	\$599.00	\$358.00
<b>KOWA</b>	TSE-22M	Kowa Eyepiece 20-60X Zoom - for TS601	\$207.00	CALL
	TSE-16PM	Kowa Eyepiece 25X - for TS601/602 & T3	\$85.00	CALL
	TSE-15WM	Kowa Eyepiece 27X WA - for TS611-14	\$168.00	CALL
	CNW-3	Kowa Soft Case for TS-611, 614	\$60.00	\$47.00
	CNW-4	Kowa Soft Case for TS-612, 614	\$80.00	\$47.00
	TSN-821M	Kowa Spotting Scope 82mm Body/offset	\$747.00	CALL
	TSN-822M	Kowa Spotting Scope 82mm Body/straight	\$705.00	CALL
	TSN-823M	Kowa Spotting Scope 82mm Body/offset	\$1,737.00	CALL
	TSN-824M	Kowa Spotting Scope 82mm Body/straight	\$1,863.00	CALL
	TSE-Z7	Kowa Eyepiece 20-60X Zoom	\$375.00	CALL
	TSE-9W	Kowa Eyepiece 50X WA	\$315.00	CALL
	TSE-14WB	Kowa Eyepiece 32X WA	\$315.00	CALL
	TSE-17HC	Kowa Eyepiece 27X LER	\$214.00	CALL
	TSE-EC	Kowa Eyepiece Converter - Use 77mm ey	\$52.00	CALL
	TSN-PA2C	Kowa Photo Attachment/850mm f/10	\$255.00	CALL
	CNW-5	Kowa Soft Case for TS-821, 823	\$60.00	\$47.00
	CNW-6	Kowa Soft Case for TS-822, 824	\$60.00	\$47.00
	TSE-CA	Kowa Close Up Adapter - Focuses to 13 ft	\$75.00	\$47.00
	TSNE-17HB	Kowa Eyepiece 25X LER - For all Kowa E	\$214.00	\$139.00
	TSNE-21WB	Kowa Eyepiece 20X WA - for TSN 77mm	\$230.00	\$139.00
	TSNE-14W	Kowa Eyepiece 30X WA - for TSN 77mm	\$266.00	\$178.00
	TSN-PA2	Kowa Photo Attachment/800mm f/10 - For	\$231.00	\$158.00
<b>FUJINON</b>	7307100	Fujinon Field Scope Super 80 ED 80mm	\$1,400.00	CALL
	7307101	Fujinon Field Scope Super 80 80mm I	\$670.00	CALL
	7307102	Fujinon Super 80 ED Package w/zoom &	\$1,650.00	CALL
	7307103	Fujinon Super 80 Package w/zoom & i	\$920.00	CALL
	7307105	Fujinon Field Scope Super 80 60mm Str	\$500.00	CALL
	7307108	Fujinon Field Scope Super 80 60mm An	\$600.00	CALL
	7307107	Fujinon Super 80 Package w/zoom & cas	\$832.50	CALL
	7307108	Fujinon Super 80 Package w/zoom & cas	\$922.50	CALL
	7307206	Fujinon Eyepiece 20-60X Zoom	\$350.00	CALL
	7307025	Fujinon Eyepiece 25X LER	\$250.00	CALL
	7307030	Fujinon Eyepiece 30X WA	\$250.00	CALL
	7307050	Fujinon Eyepiece 50X	\$250.00	CALL
	7307080	Fujinon Eyepiece 80X	\$260.00	CALL
	7680051	Fujinon Carrying Case	\$75.00	\$39.00
<b>QUESTAR</b>	10112	Questar Birder Scope - 90mm/MGFL Coat	\$3,400.00	CALL
	10212	Questar Birder Scope - 90mm f/13/Enhanc	\$3,700.00	CALL
	10312	Questar Birder Scope - 90mm f/13/Enhanc	\$4,000.00	CALL
<b>CELESTRON</b>	52211	Celestron 80mm Wildlife Scope, 15-45X (sal	\$250.00	\$149.00
	93627	Celestron T-Adapter (60mm Wildlife)	\$30.00	\$23.00
	52200	Celestron 80mm Pro Zoom, 15-80X - (Musta	\$390.00	\$198.00
	93628	Celestron T-Adapter (60mm Zoom)	\$30.00	\$19.00
	50025	Celestron 80mm Wide View Spotting Scope	\$99.00	\$49.00
	52260	Celestron CS Spotting Scope - 42X, 125mm	\$618.00	\$228.00
	11029	Celestron T-Adapter (CS/99/11/14)	\$1,258.00	\$588.00
	93633-A	Celestron T-Adapter (CS/99/11/14)	\$40.00	\$27.00
<b>LEICA</b>	040-103	Leica Televid 77mm Straight Body	\$845.00	CALL
	040-101	Leica Televid 77mm Angled Body	\$845.00	CALL
	040-104	Leica Televid 77mm Straight APO Body	\$1,395.00	CALL
	040-102	Leica Televid 77mm Angled APO Body	\$1,395.00	CALL
	041-005	Leica Eyepiece: 20-60X Zoom - New Vers	\$350.00	CALL
	041-002	Leica Eyepiece: 20X WA	\$219.00	CALL
	041-004	Leica Eyepiece: 32X WA	\$250.00	CALL
	041-003	Leica Eyepiece: 40X	\$188.00	CALL
	042-300	Leica Photo Adapter 800mm f/10.4	\$479.00	CALL
	042-305	Leica T2 Adapter to fit Leica camera	\$59.00	\$49.00
	013-337	Leica UVa Protection filter	\$149.00	\$99.00
	42315/10	Leica Case for Televid - Specify Str	\$239.00	\$198.00
<b>PENTAX</b>	KB61550	Pentax Spotting Scope 80mmED w/20-60	\$1,900.00	CALL
	70930	Pentax Spotting Scope 80mmED Body c	\$1,320.00	CALL
	70502	Pentax Pentax XL-Type Eyepiece - 72X (7n	\$418.00	\$238.00
	70503	Pentax Pentax XL-Type Eyepiece - 48X (10	\$400.00	\$228.00
	70504	Pentax Pentax XL-Type Eyepiece - 36X (14	\$400.00	\$228.00
	70505	Pentax Pentax XL-Type Eyepiece - 24X (21	\$400.00	\$228.00
	70506	Pentax Pentax XL-Type Eyepiece - 18X (28	\$400.00	\$228.00
	70509	Pentax Pentax XL-Type Eyepiece - 20-60X	\$658.00	\$368.00
<b>BUSHNELL</b>	78-2317	Bushnell Spacemaster 60mm Armored w/1"	\$443.95	\$258.00
	78-1217	Bushnell Spacemaster Camo Field 100/15-4	\$560.95	\$298.00
	78-1821	Bushnell Spacemaster 20-45X/LER Zoom F	\$580.95	\$298.00
	**Field Kits	Bushnell Field kit incl. Scope Body, Zoom, E	X	X
	78-2207	Bushnell Eyepiece 15-45X Zoom	\$182.95	\$90.00
	844E/22	Swift Panther Eyepiece: 22X WA (fits Spt	\$75.00	\$64.00
	844PA	Swift Photo Adapter - Adapts to sever	\$120.00	\$75.00
	78-5456	Bushnell 15-45 X 60 Extra Wide Spotting 5	\$640.95	\$338.00
	78-1050	Bushnell Backyard Bird 10 X 50, 10" Clo	\$79.95	\$69.00
	78-7325	Bushnell Trophy 20-50 X 50mm Waterproof	\$325.95	\$188.00
	78-7363	Bushnell Trophy 20-40 X 63mm Waterproof	\$407.95	\$228.00
	78-1645	Bushnell Naturview 15-45 X 60mm LER	\$202.95	\$158.00
	78-2061	Bushnell Sportview 60mm/20-60X - w/T	\$120.95	\$79.00
	78-1517	Bushnell Banner Sentry 50mm/18-36X Blac	\$180.95	\$108.00
	78-1518	Bushnell Banner Sentry 50mm/18-36X Blac	\$202.95	\$118.00
	78-1519	Bushnell Banner Sentry 50mm/18-36X Cam	\$180.95	\$108.00
	78-1557	Bushnell Banner Sentry 70mm/15-50X RA v	\$408.95	\$228.00
<b>NIKON</b>	7393	Nikon Fieldscope III - 60mm Body only -	\$690.95	CALL
	7394	Nikon Fieldscope III - 60mm Angled Boc	\$812.95	CALL
	7395	Nikon Fieldscope III - 60mm ED Body or	\$1,200.95	CALL
	7396	Nikon Fieldscope III - 60mm ED Angled	\$1,322.95	CALL
	7397	Nikon Fieldscope III Outfit - str. Reg. Bo	\$1,174.95	CALL
	7075-60	Nikon Vue-Thru Case for 90mm Fieldscop	\$49.95	\$35.00
	7896	Nikon Fieldscope-78mm ED Body only -	\$2,080.95	CALL
	7899	Nikon Fieldscope-78mm ED Angled Boc	\$2,214.95	CALL
	7075-78	Nikon Vue-Thru Case for 78mm Fieldscop	\$59.00	\$35.00
	7770	Nikon Photo Attachment/Fieldscope - 800	\$266.95	\$158.00
	7460	Nikon Eyepieces: 15X/19X for 60mm/78m	\$150.95	\$88.00
	7461	Nikon Eyepieces: 20X/25X for 60mm/78m	\$150.95	\$88.00
	7462	Nikon Eyepieces: 40X/50X for 60mm/78m	\$150.95	\$88.00
	7943	Nikon Eyepieces: 24X/30X WA for 60mm/	\$272.95	\$188.00
	7464	Nikon Eyepieces: 30X/36X WA for 60mm/	\$272.95	\$158.00
	7871	Nikon Eyepieces: 40X/50X WA for 60mm/	\$302.95	\$178.00
	7466	Nikon Eyepiece: 60X/75X WA for 60mm/	\$332.95	\$195.00
	7467	Nikon Eyepiece: 20-45X/25-57X Zoom for	\$326.95	\$198.00
	7444	Nikon Field Image System MX-A (compl	\$426.95	\$298.00
	7445	Nikon Field Image System MX-A (no mo	\$1,390.95	CALL
	7355	Nikon Sky & Earth 80mm/15-45X/Outfit I	\$850.95	CALL
	7351	Nikon Sky & Earth 80mm/15-45X/Outfit I	\$578.74	\$328.00
	7352	Nikon Sky & Earth 80mm angled body o	\$518.74	\$298.00
	7353	Nikon Sky & Earth 80mm straight body o	\$318.18	\$188.00
	7075	Nikon Vue-Thru Case for 60mm Sky & ear	\$301.44	\$178.00
	7455	Nikon Sky & Earth 80mm/20-60X/Outfit I	\$49.95	\$35.00
	7452	Nikon Sky & Earth 80mm angled/20-60X	\$850.95	\$508.00
	7451	Nikon Sky & Earth 80mm straight/20-60X	\$810.95	\$488.00
	7673	Nikon Eyepiece: 20X/27X for Sky & Earth	\$790.95	\$478.00
	7674	Nikon Eyepiece: 25X/33X WA for Sky & E	\$66.95	\$47.00
	7675	Nikon Eyepiece: 15-45X/30-60X for Sky &	\$138.95	\$79.00
	0	Nikon Case included on 80mm Sky & Earth	\$324.95	\$128.00
	7900	Nikon Spotter XL, Waterproof - 16-47X v	\$772.95	\$418.00
	6901	Nikon Spotter XL, Waterproof Outfit/16-	\$542.95	\$468.00
<b>SWAROVSKI</b>	49204	Swarovski AT-80 80mm Scope Body - Water	\$1,085.00	CALL
	49206	Swarovski ST-80 80mm Scope Body - Water	\$1,085.00	CALL
	49214	Swarovski AT-90HD 80mm Scope Body - Hig	\$1,550.00	CALL
	49218	Swarovski ST-90HD 80mm Scope Body - Hig	\$1,550.00	CALL
	49096	Swarovski Draw Tube 85mm Body - Water-R	\$1,094.44	CALL
	49105	Swarovski Eyepiece 20-60X Zoom	\$343.33	CALL
	49213	Swarovski Eyepiece: 30X WWA	\$265.55	CALL
	49205	Swarovski Photo Adapter - 800mm f/10	\$278.67	\$238.00
	49150	Swarovski Photo Adapter - 1100mm f/14	\$265.55	\$238.00
	49040	Swarovski Green Canvas Case - Swarovski	\$87.50	\$65.00
	49041	Swarovski Swarovski Tripod 1	\$259.95	\$210.00
	49041	Swarovski Swarovski Tripod 2	\$244.95	\$199.00
<b>CELESTRON</b>	4010	Celestron Junior Microscope	\$79.00	\$59.00
	4020	Celestron Dissecting Microscope	\$99.00	\$69.00
	4030	Celestron Educational Microscope	\$189.00	\$99.00
	4040	Celestron Dissecting Microscope - Stereo	\$389.00	\$218.00
	4050	Celestron Biological Microscope	\$289.00	\$188.00
	4060	Celestron Research Microscope - Stereo	\$799.00	\$448.00



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Date: 03/16/2001

Prices and Specifications subject to change without notice or obligation

Note: The word "CALL" in the price list means that our price on the item may be below "minimum advertised price".

TELE VUE	TELESCOPES	List Price	Our Price	BINOCULAR	ACCESSORIES	List Price	Our Price
RGQ-2868	Ranger 70mm ED, Green - 1.25" #	\$925.00	CALL	BS1000	Eagle Optic Bino Strap	\$19.95	\$13.95
RGQ-2868	Ranger 70mm ED, Brass - 1.25" #	\$1,270.00	CALL	7072	Nikon Lens Pen	\$19.95	\$7.95
PGQ-2868	Pronto, Green - 1.25" 90 star dia	\$1,350.00	CALL	81020	Eagle Microstar Lens Cloth - Deluxe	\$8.95	\$4.95
PGQ-2868	Pronto, Ivory - 1.25" 90 star dia	\$1,350.00	CALL	975232	Zeiss Lens Cleaner - Spray Bottle (2)	\$6.95	\$4.95
PGQ-2868	Pronto, Green - 2" star diagonal	\$1,570.00	CALL	975644	Zeiss Lens Tissues - Pre Moistened (2)	\$3.95	\$3.95
PGQ-2868	Pronto, Ivory - 2" star diagonal	\$1,570.00	CALL	BSE01	Eagle Bino System Harness Strap	\$19.95	\$16.95
TG3-3370	Tele Vue 85 Telescope - Green Tu	\$2,650.00	CALL	16-1001	Bushnell Binocular/Tripod Adapter	\$19.95	\$15.95
TG3-3370	Tele Vue 85 Telescope - Ivory (sp)	\$2,650.00	CALL	69553	Pentax Tripod Adapter for PCF/DCF	\$28.00	\$19.95
TB3-3370	Tele Vue 85 Telescope - Brass Tu	\$3,050.00	CALL	93512-A	Bushnell Binocular/Tripod Adapter	\$24.00	\$19.00
TW4-4086	Tele Vue TV-102 Telescope 98.8 APO	\$3,175.00	CALL	CN1000	Celestron Plastic Rangefinder	\$12.00	\$7.00
TELE VUE	Ranger/Pronto Accessories	List Price	Our Price	OT/BIN/O/P	OpTech Op Tech Bin/Op Strap - for Compac	\$10.95	\$8.95
RSB-2802	Ranger Field Case (Soft) - Fitted be	\$55.00	\$7.00	LINK/M/S	BirdersCrt Link Mini-Strap-Binoculars	\$12.00	\$9.95
RSB-2803	Ranger Rubber Dew Shield	\$12.00	\$8.95	2929-A	TEScot Hugger Strap - Small-Med	\$10.95	\$14.95
RPF-2804	Ranger/Pronto Field Flattener (Phot	\$120.00	\$84.00	2929-B	TEScot Hugger Strap - Large-Xlarge	\$10.95	\$14.95
CELESTRON	TELESCOPES	List Price	Our Price	DC1	"GripIt" binocular stabilizer	\$29.95	\$24.95
21052	Firstscope 60 AZ - 60mm Alt Azimu	\$189.00	\$99.00	Tarmac	Tarmac Wood Traveler's Vest - Tan	\$149.95	\$99.00
21071	Firstscope 70 AZ - 70mm Alt Azimu	\$509.00	\$179.00	VaroVellri	Fixalation Strap	\$25.00	\$19.95
21076	Firstscope 70 EQ - 70mm Equatoris	\$305.80	\$199.00	Cardoza	Sure Lock Bino-Tripod Adapter - sm	\$28.00	\$24.95
21083	Firstscope 80 AZ - 80mm Alt Azimu	\$459.80	\$299.00	Cardoza	Sure Lock Bino-Tripod Adapter - lar	\$28.00	\$24.95
21013	C102 AZ - 102mm Alt-Azimuth Refr.	\$719.00	\$399.00	730-302	Saunders Outpack Bino Case (Olive)	\$29.95	\$23.95
31044	Firstscope 114 - 114mm Newtonian	\$379.00	\$299.00	734-000	Saunders Photogs - Optic Vest - S,M,L	\$99.00	\$69.00
31041	Firstscope 114 Short - 114mm Newt	\$349.00	\$229.00	12182-88	Bushwhacker Bushwhacker Bino optic covers (40-	\$9.95	\$7.00
31056	C150 HD - 150mm Newtonian (1.25	\$995.00	\$449.00	MANFROTT/BOGEN	Bogen Tripod - Compact (replaces 1	\$158.00	\$108.00
11050	G-5 - 5" f/10 w/equlocal mount & i	\$1,499.00	\$679.00	3011BN	Bogen Tripod - New Wilderness Kit	\$325.00	\$218.00
11051	same as G-5, but with single axle m	\$1,299.00	\$739.00	3179WN	Bogen Tripod - New Tracker Kit (inc	\$369.00	\$245.00
11023	G-8 - 2032mm, f/10 w/equlocal mo	\$1,999.00	CALL	3178GN	Bogen Tripod - Standard Legs (repl	\$184.00	\$125.00
11015	Celestar 8 (2032mm f/10) - includes	\$1,499.00	CALL	3405	Bogen Bogen Junior Tripod (includes head,	\$129.50	\$99.00
22062	NaxStar 80 GT - 80mm Refractor f/	\$438.00	\$259.00	3216	Bogen Bogen Monopod	\$50.00	\$41.00
22062	NaxStar 90 GT - 90mm Refractor f/	\$578.00	\$379.00	3009	Bogen Bogen Mini Ball Head	\$37.50	\$26.00
31142	NaxStar 114 GT - 60mm Refractor f	\$1,098.00	\$479.00	3126	Bogen Bogen Micro Fluid Head - no QR pl	\$86.00	\$63.00
11041	NaxStar 4 - NEW!	\$1,899.00	CALL	3130	Bogen Bogen Micro Fluid Head (Quick Rel	\$97.00	\$73.00
11031	NaxStar 5	\$1,999.00	CALL	3063	Bogen Bogen Mini Fluid Head (Quick Rel	\$166.00	\$112.00
93498	Tripod - Wedgepod 8" (Rubber coat	\$400.00	\$238.00	3160	Bogen Bogen XL Fluid Head (Quick Rel	\$89.50	\$62.00
11011	NaxStar 8	\$2,499.00	CALL	3407	Bogen Bogen Jr Head (smaller than 3130)	\$57.00	\$39.00
GT	includes battery pack (batteries not included). Includes "The Sky" CD			3030	Bogen Bogen Pan Tilt Head (Quick Rel	\$78.00	\$59.00
GT	Upgraded NaxStar hand control with 4,000 object database for automatic slewing.			3265	Bogen Bogen Grip Action Head (Quick Rel	\$112.00	\$74.00
MEADE	TELESCOPES	List Price	Our Price	3275	Bogen Bogen 410 Head w/ slow motion con	\$230.00	\$159.00
0605-04-01	ETX-80AT Astro Scope 96mm, f/5.6	\$450.00	\$289.00	3232	Bogen Bogen Swivel Tilt Head	\$18.00	\$17.00
0705-04-01	ETX-70AT Astro Scope 70mm, f/5	\$360.00	\$239.00	3044	Bogen Bogen Tripod Strap	\$30.95	\$22.95
ETXEC	ETX-90/EC Astro Scope 90mm, f/11	\$1,030.00	\$495.00	3045	Bogen Bogen Tripod Strap/lightweight	\$13.50	\$14.95
ETXEC125	ETX-125/EC Astro Scope 125mm, f	\$1,540.00	\$865.00	3408	Bogen Bogen Strap for Junior Tripod	\$14.50	\$12.95
0608-04-32	Meade Starfinder 6" Dobsonian - E	\$495.00	CALL	3409	Bogen Bogen Carry Bag for Junior Tripod	\$26.00	\$21.95
0608-04-32	Meade Starfinder 8" Dobsonian - E	\$649.00	CALL	3430	Bogen Bogen Tripod Leg Protectors 14" (3)	\$34.00	\$28.00
1045-04-32	Meade Starfinder 10" Dobsonian - E	\$895.00	CALL	3431	Bogen Bogen Tripod Leg Protectors 10" (3)	\$31.00	\$26.00
1248-04-32	Meade Starfinder 12" Dobsonian - S	\$1,495.00	CALL	3279	Bogen Bogen Tripod Bag - Compact	\$45.00	\$33.00
0608-04-33	Meade Starfinder 6" Dobsonian - C	\$395.00	CALL	3280	Bogen Bogen Tripod Bag (3211/3221)	\$55.00	\$39.00
0806-04-33	Meade Starfinder 8" Dobsonian - C	\$795.00	CALL	3281	Bogen Bogen Tripod Bag (3235)	\$70.00	\$49.00
1045-04-33	Meade Starfinder 10" Dobsonian - C	\$995.00	CALL	3256	Bogen Bogen Tripod Spiked Feet (set/3)	\$19.50	\$16.00
1248-04-33	Meade Starfinder 12" Dobsonian - C	\$1,595.00	CALL	3282	Bogen Bogen Bag (same as Gibraltar Bag	\$114.00	\$89.00
0608-02-12	Meade Starfinder 6" Eq + Bonus pa	\$995.00	CALL	3255	Bogen Bogen Tripod All Weather Shoes (w	\$23.00	\$19.00
0806-02-12	Meade Starfinder 8" Eq + Bonus pa	\$1,195.00	CALL	3148	Bogen Bogen Utility Apron	\$33.00	\$24.00
1045-02-12	Meade Starfinder 10" Eq + Bonus pa	\$1,395.00	CALL	3292	Bogen Bogen Car Window Pod/Camp (attach to 3	\$31.00	\$24.00
0810-90-30	Meade LX90 8" SCT	\$3,000.00	CALL	3157/3157A	Bogen Bogen Quick Release Plate (3160,3	\$10.50	\$9.00
0810-20-64	Meade LX200 8" SCT - f/10 Comp	\$4,995.00	CALL	3054	Bogen Bogen Converter Plate for 1/4" X 20 head	\$16.00	\$13.95
1010-20-84	Meade LX200 10" SCT - f/10 Comp	\$5,995.00	CALL	3270	Bogen Bogen Quick Change Adapter	\$36.00	\$29.00
SPOTTING SCOPE	ACCESSORIES	List Price	Our Price	VELBON/HAKUBA	TRIPODS	List Price	Our Price
78-4405	Bushnell Car Window Mount	\$42.95	\$32.95	VV607	Velbon Videomate 60"/w/case (fluid	\$104.95	\$79.00
726502	Hakube Car Window Mount	\$49.00	\$35.00	VVEL-3	Velbon Chaser Tripod - 3 section/3	\$131.95	\$89.00
CTR1000	Camera T-Ring - Standard	\$25.00	\$20.00				
CTR2000	All Autofocus Cameras**	\$30.00	\$25.00				
	**Minox Minoxum & 7000. Canon E		X				
OT/TOST	OpTech Op Tech Strap - Tripod (Black or Cr	\$25.50	\$19.95				
OTTLS	OpTech OpTech Tripod Leg Wraps	\$24.95	\$19.95				
BSH-200S	BushHawk Shoulder Mount/strd (No Electronics)	\$79.95	\$69.00				
SB-100	BushHawk Shoulder Mount strap	\$8.95	\$6.95				
TP100	Tri-Pak Tripod Backpack - Black or	\$70.00	\$45.00				
SSTC-201	CrookedHorn Spotting Scope/Tripod Carrying Sys	\$54.95	\$49.00				
SSTC-203	CrookedHorn Spotting Scope/Tripod Carrying Sys	\$42.99	\$36.00				
10802	Doakool All Weather Large - 17.25" X 12" X 1	\$75.00	\$65.00				
10803	Doakool All Weather Extra Large - 20.25" X 1	\$89.00	\$79.00				
BDO62200	Doakool Designer Sance Medium Black - 13	\$39.00	\$29.95				
BDO654B	Doakool Seal Tight Extra Large Grey - 20.25"	\$89.00	\$79.00				
BDO654G	Doakool Seal Tight Extra Large Black - 20.25"	\$89.00	\$79.00				

### Ordering

Please use the code, model number or description found in the Price List. All orders are subject to acceptance by Eagle Optics.

### Price List

We attempt to keep our Price List as current and accurate as possible. We cannot be responsible for unexpected manufacturer's price changes. Therefore, we reserve the right to change prices without notice or obligation.

### Delivery

Delivery in the 48 continental United States is by UPS Ground Service. Next Day Air, Second Day Air or Federal Express Service is available on request at additional charge quoted at the time of your order. Parcel Post shipments add \$5.00. Damaged, missing or defective merchandise claims must be made within 2 days after receipt. Please check your shipment as soon as it arrives.

## ORDER FORM

### Returns

Returns are accepted for full refund (excluding original shipping charges) within 30 days as long as returned product is in complete and original condition. Any show of wear, dirt, fingerprints, etc., on equipment or lenses may result in either a restocking fee or refusal to accept return. Missing warranty papers, box damage and case loss or damage will also be cause for restocking fee. If equipment is returned in poor condition, it will be regarded as used equipment. If item is returned because of optic or equipment flaws or error in shipment we will replace it or exchange it for another comparable item. This policy is necessary to cover order processing fees and expenses and to insure our customers always receive the best in mail-order product, price and service.

### Merchandise Availability

If for any reason we cannot ship your order within 48 hours, we will notify you regarding availability. Your money will be refunded if you so request.

### Payment

We accept Visa, Mastercard, cashier's check, money orders, and government purchase orders. Personal checks allow 15 banking days. Parcel Post will be charged additional \$5.00 handling and processing fee. Service charge of \$3.00 for orders less than \$25.00. Wisconsin residents add 5% sales tax.

### Guarantee

All new equipment includes full manufacturer's warranty. If you are not satisfied with your purchase, you may return the equipment in new condition within 15 days from the purchase date for an exchange or refund. Returns are subject to a minimum of 3% restocking fee.

**\*Shipping, Handling & Insurance Charges - Note: Add additional \$5.00 if total order is over \$500.00**  
Binoculars: \$10.00 Scopes: \$12.00 Tripods: \$13.00 Combination: Add \$3.00 each item. Accessories: \$6.50  
Example of multiple item order: You order 1 tripod (\$13.00), 1 scope (\$12.00) and 1 binocular (\$10.00)



mail your order to:  
**Eagle Optics**  
2120 W. Greenview Dr. #4  
Middleton, WI 53562  
(608) 836-7172

**Toll Free Order Line 1-800-289-1132**  
email: [ernest1@eagleoptics.com](mailto:ernest1@eagleoptics.com)  
**Questions & Technical Assistance**  
(608) 836-6568 (M - S 9:00 - 5:00)  
Fax Number **Web Site**  
(608) 836-4416 [www.eagleoptics.com](http://www.eagleoptics.com)

**Store Hours:**  
9AM - 6PM Monday - Friday  
9AM - 5PM Saturday  
11AM - 4PM Sunday  
Central Time

**Ordered By:**  
Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_ Zip Code \_\_\_\_\_  
Telephone (\_\_\_\_\_) \_\_\_\_\_

**Ship To:** Same   
Name \_\_\_\_\_  
Address \_\_\_\_\_  
City \_\_\_\_\_  
State \_\_\_\_\_ Zip Code \_\_\_\_\_

Quantity	Code	Description	Unit Cost	Total Amount

**Special Instructions:**

### Method of Payment

**Check or Money Order Enclosed:**  
Personal checks allow 15 business days for shipment.

**VISA**  **MASTERCARD**  **DISCOVER**

Credit Card Number \_\_\_\_\_  
Expiration Date \_\_\_\_\_ Issuing Bank \_\_\_\_\_  
Telephone Number \_\_\_\_\_  
Signature Required \_\_\_\_\_



<b>Subtotal</b>	
<b>Tax (WI residents)</b>	
<b>Parcel Post</b>	
<b>Shipping</b>	
<b>TOTAL***</b>	

**Thank you for your order!**

# ORIGINAL SPECIMEN

Internet Transmission Date:

2000/10/05

Serial Number:

78029311

Filing Date:

2000/10/05

## EAGLE OPTICS

Lifetime warranty

### Eagle Optics Ranger Binoculars

The Ranger binoculars comes loaded with desirable features and are priced to make them an incredible binocular value. With these premier models you have the opportunity to own a first class, lifetime binocular with performance that rivals that of those costing significantly more.

These central focus roof prism models are offered exclusively by Eagle Optics in four sizes: 7x36, 8x42, 10x42 and 10x50. Magnified objects are highly detailed and have excellent color fidelity. Unlike lesser quality imitations, they feature fully multi-coated lenses and high density prism glass for exceptional image brightness and resolution.

The Rangers are completely waterproof to there will be no problem with internal fogging. A precise internal focusing mechanism keeps out dust, dirt and moisture. The magnesium alloy housing is rugged, yet lightweight, with an elegant and slim, rubber armored housing for a comfortable and secure grip. Eyeglass or sunglass wearers will appreciate the long eye relief of this glass for comfortable, unobscured viewing. A large central focus knob is conveniently located at the eyepiece end of the hinge, perfectly positioned for fine focus adjustments. For precise individual eye adjustments, a click-stop diopter adjustment is located on the right eyepiece.

The close focus ability is truly amazing with these binoculars and the Rangers make an excellent choice for the close-up nature observation of insects, butterflies and plants. Some individuals have focused as near as five feet with them! They perform so well up close that it's practically like having a field microscope and binocular all in one.



Eagle Optics 8x42 Ranger

Eagle Optics 10x42 Ranger

Each Eagle Optics Ranger binocular comes with a deluxe soft carrying pouch and a neck strap.

### Rangers for Birders!

Everything you've always wanted in a premium binocular-for less!

- Waterproof/Fogproof
- Rubber Armored
- Exceptionally Lightweight
- Fully Multi-coated Lenses
- High Density Optical Glass
- Extremely Close Focusing
- Long Eye Relief
- Center Focus
- Click-stop Diopter
- Internal Focusing
- Lifetime Warranty



Eagle Optics 7x36 Ranger

Eye Relief	Field of View	Near Focus	Weight
7x36 19mm	37°	4'	20.0 oz.
8x42 18mm	32°	5'	22.5 oz.
10x42 15mm	26°	6'	25.4 oz.
10x50 17mm	22°	8'	28.0 oz.

### Eagle Optics Raptor PC Binoculars

The Raptor PC models elegantly combine the classic values of superb optical performance with mechanical precision in a compact design. All this comes at an extremely affordable price with many innovative features that make them substantially higher in quality than other similarly priced models. The Raptor PC binoculars are ideal for just about any activity you undertake.



10x42 Raptor PC

Anti-reflective fully multi-coated lens elements and phase corrected prism deliver bright, high contrast and razor-sharp images in a completely waterproof and fogproof body. Add a rubber armored body and you have exceptionally sturdy binoculars for extreme environments. A rugged, waterproof internal focusing system offers a lifetime of trouble-free operation. The user-friendly ergonomic design makes them easy to handle, too. Twist style sliding rubber eyepieces are handy for eyeglass wearers who will also enjoy an extremely wide field of view in comfort because of extended eye relief.

The 8x32 Raptor PC has almost no equal when it comes to viewing butterflies, performing particularly well at close distances. It can easily slip into a front jacket pocket or be carried from its neck strap for hours without strain. The 10x42 Raptor offers incredible value in a high-magnification binocular with exceptional optical performance. Comes with a soft carry case and strap and a Leica Lifetime Warranty.

Eye Relief	Field of View	Near Focus	Weight
8x32 16mm	39°	5'	11.7 oz.
10x42 15mm	32°	8.2'	26.9 oz.

### Eagle Optics Phase Corrected Rangers

The premier Ranger binoculars are now available in phase corrected (PC) models to create a sharper view - sure to be appreciated by birders or anyone interested in the finest detail and clarity. This close focus ability makes them an excellent choice for close-up nature observation of insects, butterflies, plants and more.



Eagle Optics 8x42 Ranger PC

Phase correction forces the light beams that are normally shifted when entering the binocular barrels, back into phase. This improves the image quality and contrast. Like the standard models, the Ranger PC models are loaded with desirable features that rival more costly binoculars.

When you consider the reasonable price (under \$500) of these models, the Ranger PC models should warrant serious consideration for anyone seeking a top-quality glass. The phase correction provides an additional alternative to the already extremely popular Rangers.

Eye Relief	Field of View	Near Focus	Weight
8x42 18mm	32°	5'	22.6 oz.
10x42 15mm	26°	6'	23.4 oz.
10x50 17mm	22°	8'	28.0 oz.

### Eagle Optics Mini Ranger Binoculars

Have you been looking in the "hard-to-find, something-worth-buying" category of roof prism compacts under \$200.00? Then, here are two models that are actually worth the money!



8x24 Mini Ranger

These Rangers are completely waterproof with multi-coated lens elements. The 8x24 and 10x28 both have respectable eye-relief and near focus distances. They are protected with a rubber armored covering and very lightweight. Each binocular includes a soft case and neck strap.

Eye Relief	Field of View	Near Focus	Weight
8x24 13mm	32°	9'	5.0 oz.
10x28 12mm	25°	12'	7.0 oz.



**Eagle Optics Raptors**  
Developed by and for Leica, the industry leading German optics company. Manufactured by Minca and protected by a lifetime limited warranty.

### QUESTIONS?

CALL EAGLE OPTICS FOR FRIENDLY, KNOWLEDGEABLE SERVICE.

CALL TOLL FREE! EAGLE OPTICS AT 800-289-1132 Copyright 2000

The applicant has submitted required color specimen. The USPTO has printed only one copy of the specimen, and extra copies can be produced in-house as needed.

**Trademark Registration Life Expectancy Calculator**

Enter Registration or Renewal Date	Month	Day	Year
	7	29	1997
Earliest Date Section 8 (and/or 15) could be filed	July 29, 2002		
Latest Date Section 8 could be filed	August 4, 2003		
Date registration will be cancelled in Office records, providing that applicant has not filed Section 8.	February 4, 2004		
Earliest Date Sections 8 and 9 (Renewal) could be filed	January 29, 2007		
Latest Date Sections 8 and 9 (Renewal) could be filed	January 29, 2008		
Date registration will be cancelled in Office records, providing that applicant has not filed combined Section 8 & 9	February 4, 2008		

Today's Date  
September 27, 2002

Enter month, day and year (four digits)  
numerically in the separate boxes

5th anniversary of registration date for Section 8,  
following any consecutive 5 year period of use in  
commerce after registration for Section 15

6th anniversary of registration date, plus six months

6 months and 6 days after last date for filing Section  
8

6 months prior to 20th anniversary of registration  
date if registered before 11/16/89; 6 months prior to  
10th anniversary if on or after that date

6 months after 20th anniversary of registration date  
if registered before 11/16/89; 6 months after 10th  
anniversary if registered on or after 11/16/89)

6 months and 6 days after last date for filing Section  
8 & 9

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	Sheltered Wings, Inc.
Serial No. 78/029,311	Filing Date: October 5, 2000
Trademark	EAGLE OPTICS
Law Office: 102	Trademark Attorney: April Lueders Rademacher

BOX RESPONSES – NO FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

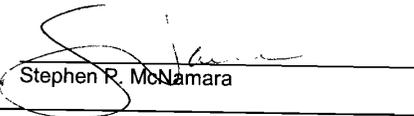
**Response to Official Action**

Dear Sir:

In response to the Office Action mailed on October 10, 2003, please enter the following Remarks.

Certificate of Mailing: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

15 Jan 2004

  
Stephen R. McNamara



01-20-2004

**Remarks**

The Examining Attorney has refused registration of Applicant's mark EAGLE OPTICS on the basis of Trademark Act Section 2(d), 15 U.S.C. Section 1052(d), because the Examining Attorney believes that Applicant's mark, when used on or in conjunction with the identified goods, so resembles the mark EAGLEVIEW, U.S. Registration No. 2,084,361 as to be likely to cause confusion, to cause mistake or to deceive.

Applicant has entered into a Consent Agreement with the owner of the cited mark. As set forth in the agreement, "the parties believe that as a result of the differences in meaning and commercial impression of their respective trademarks, the differences in commercial identities of the respective companies, and the history of co-existence of the respective trademarks in the U.S. marketplace, said marks can continue to co-exist in the marketplace and should be allowed to co-exist on the U.S. trademark register." A Copy of the Agreement is submitted herewith. Accordingly, in accordance with the Agreement, and in accordance with In re E. I. DuPont de Nemors & Co., 476 F.2d 1357, 177 USPQ 563 (CCPA 1973), it is requested that the refusal of registration be withdrawn and that the present application be approved for publication.

Respectfully submitted,



---

Stephen P. McNamara  
Attorney for Applicant  
ST.ONGE STEWARD JOHNSTON & REENS LLC  
986 Bedford Street  
Stamford, CT 06905-5619  
203 324-6155

## CONSENT AGREEMENT

This CONSENT AGREEMENT is made by and between **SHELTERED WINGS, INC.**, a Wisconsin corporation, with a business address of 2120 W. Greenview Drive #4, Middleton, Wisconsin 53562, U.S.A. [hereinafter "the Applicant"], and **NIKON CORPORATION**, a Japanese corporation, with a business address of 2-3, Marunouchi 3-Chome, Chiyoda-ku, Tokyo 100, Japan [hereinafter "the Registrant"].

WHEREAS, the Applicant has used the words "**EAGLE OPTICS**" as a service mark for mail order services in the field of optical products and has applied to register said words in the United States Patent and Trademark Office as a trademark for "binoculars, spotting scopes, and telescopes, all for use in bird watching, and storage cases therefor", in Int'l. Class 9, Application Ser. No. 78/029,311, filed October 5, 2000, with an alleged date of first use of January 1, 1996; and

WHEREAS, the Registrant owns the trademark "**EAGLEVIEW**" in the United States of America, and has registered said trademark under Reg. No. 2,084,361, dated July 29, 1997, in respect of "binoculars" in Int'l. Class 9, with an alleged date of first use of November 30, 1996; and

WHEREAS, the Registrant's registration of the trademark "**EAGLEVIEW**" has been cited by a United States Patent and Trademark Office Examining Attorney as a bar to registration of the Applicant's trademark "**EAGLE OPTICS**"; and

WHEREAS, the parties believe that as a result of the differences in meaning and commercial impression of their respective trademarks, the differences in commercial identities of the respective companies, and the history of co-existence of the respective trademarks in the U.S.

marketplace, said marks can continue to co-exist in the marketplace and should be allowed to co-exist on the U.S. trademark register, subject to the following terms and conditions;

NOW, THEREFORE, the parties hereby agree as follows:

1) The Applicant acknowledges that the Registrant is the owner of the trademark "EAGLEVIEW" for the goods set forth in the aforementioned U.S. trademark registration owned by the Registrant, and the Applicant agrees to refrain from taking any action or filing any proceeding, legal or otherwise, that will hinder the Registrant in its use or registration of the word "EAGLEVIEW" as, or as part of, a trademark for said goods, or any other goods or services.

2) The Registrant agrees to refrain from taking any action or filing any proceeding, legal or otherwise, that will hinder the Applicant in its use or registration of the trademark "EAGLE OPTICS" in conjunction with "binoculars, spotting scopes, and telescopes, all for use in bird watching, and storage cases therefor", or for related bird watching and outdoor products, unless said trademark is abandoned by the Applicant. The Registrant further acknowledges the right of the Applicant to continue its use of the words "EAGLE OPTICS" as a service mark for mail order and/or retail services in the field of bird watching and outdoor products, and optical products, as long as said words are not used in any manner which is likely to suggest that the Applicant is sponsored by the Registrant or is more than an independent re-seller and authorized dealer in the Registrant's goods.

3) The Applicant shall be entitled to file a copy of this agreement in the United States Patent and Trademark Office as evidence of the Registrant's affirmative consent to registration of the Applicant's trademark "EAGLE OPTICS" for the goods set forth in Paragraph No. 2, *supra*.

4) Simultaneously with the execution of this agreement, the Applicant will make a payment to the Registrant of \$ ██████.00. The Applicant shall bear its own costs and attorneys' fees relating to the negotiation, execution and performance of the agreement.

5) This agreement shall be effective solely in the United States of America.

6) This agreement may not be amended or terminated except by an instrument in writing, signed by both parties hereto.

7) This agreement shall inure to the benefit of and be binding upon the successors, related companies and assigns of the parties hereto.

8) This agreement does not create a partnership or joint venture between the parties hereto.

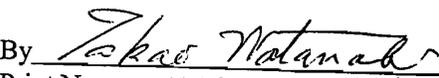
9) In the event that any trade or consumer confusion caused by the permitted use or registration of the aforementioned trademarks is brought to the attention of either of the parties hereto, they shall promptly consult with one another and take whatever steps may be reasonably necessary or desirable, and mutually agreeable, to prevent any further occurrence of confusion.

WHEREFORE, the parties have caused this agreement to be executed by their duly-authorized undersigned officers.

SHELTERED WINGS, INC.

By   
Print Name: DAWID C. HAMA  
Title: PRESIDENT  
Dated: 7/7/2003

NIKON CORPORATION

By   
Print Name: TAKAO WATANABE  
Title: Executive Officer Vice-President  
Dated: 7 July 2003

# Incoming Correspondence Routing Sheet

To: TMEG LAW OFFICE 102 - AWAITING RESPONSE DOCKET

Word Mark: EAGLE OPTICS

Serial No: 78029311



Mail Date: 01202004



Doc. Type: Responses to Office Actions



T.M.E.G.  
LAW OFFICE 102  
JAN 23 1 A 8:40

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**No Fee**

RAM Mail Date: 012004



TRADEMARK  
03584-T0001A SPM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	Sheltered Wings, Inc.
Serial No. 78/029,311	Filing Date: October 5, 2000
Trademark	EAGLE OPTICS
Law Office: 102	Trademark Attorney: April Lueders Rademacher

BOX RESPONSES – NO FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

JAN 23 1 A 8:40  
T.M.F.O.  
LAW OFFICE 102

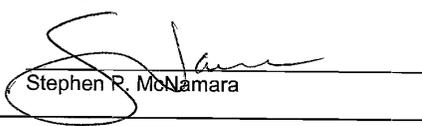
**Response to Official Action**

Dear Sir:

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Certificate of Mailing: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

15 Jan. 2004

  
Stephen R. McNamara



01-20-2004

U.S. Patent & TMO/c/TM Mail Rpt Dt. #77

**Remarks**

The Examining Attorney has refused registration of Applicant's mark EAGLE OPTICS on the basis of Trademark Act Section 2(d), 15 U.S.C. Section 1052(d), because the Examining Attorney believes that Applicant's mark, when used on or in conjunction with the identified goods, so resembles the mark EAGLEVIEW, U.S. Registration No. 2,084,361 as to be likely to cause confusion, to cause mistake or to deceive.

Applicant has entered into a Consent Agreement with the owner of the cited mark. As set forth in the agreement, "the parties believe that as a result of the differences in meaning and commercial impression of their respective trademarks, the differences in commercial identities of the respective companies, and the history of co-existence of the respective trademarks in the U.S. marketplace, said marks can continue to co-exist in the marketplace and should be allowed to co-exist on the U.S. trademark register." A Copy of the Agreement is submitted herewith. Accordingly, in accordance with the Agreement, and in accordance with In re E. I. DuPont de Nemors & Co., 476 F.2d 1357, 177 USPQ 563 (CCPA 1973), it is requested that the refusal of registration be withdrawn and that the present application be approved for publication.

Respectfully submitted,



Stephen P. McNamara  
Attorney for Applicant  
ST.ONGE STEWARD JOHNSTON & REENS LLC  
986 Bedford Street  
Stamford, CT 06905-5619  
203 324-6155

## CONSENT AGREEMENT

This CONSENT AGREEMENT is made by and between **SHELTERED WINGS, INC.**, a Wisconsin corporation, with a business address of 2120 W. Greenview Drive #4, Middleton, Wisconsin 53562, U.S.A. [hereinafter "the Applicant"], and **NIKON CORPORATION**, a Japanese corporation, with a business address of 2-3, Marunouchi 3-Chome, Chiyoda-ku, Tokyo 100, Japan [hereinafter "the Registrant"].

WHEREAS, the Applicant has used the words "**EAGLE OPTICS**" as a service mark for mail order services in the field of optical products and has applied to register said words in the United States Patent and Trademark Office as a trademark for "binoculars, spotting scopes, and telescopes, all for use in bird watching, and storage cases therefor", in Int'l. Class 9, Application Ser. No. 78/029,311, filed October 5, 2000, with an alleged date of first use of January 1, 1996; and

WHEREAS, the Registrant owns the trademark "**EAGLEVIEW**" in the United States of America, and has registered said trademark under Reg. No. 2,084,361, dated July 29, 1997, in respect of "binoculars" in Int'l. Class 9, with an alleged date of first use of November 30, 1996; and

WHEREAS, the Registrant's registration of the trademark "**EAGLEVIEW**" has been cited by a United States Patent and Trademark Office Examining Attorney as a bar to registration of the Applicant's trademark "**EAGLE OPTICS**"; and

WHEREAS, the parties believe that as a result of the differences in meaning and commercial impression of their respective trademarks, the differences in commercial identities of the respective companies, and the history of co-existence of the respective trademarks in the U.S.

marketplace, said marks can continue to co-exist in the marketplace and should be allowed to co-exist on the U.S. trademark register, subject to the following terms and conditions;

NOW, THEREFORE, the parties hereby agree as follows:

1) The Applicant acknowledges that the Registrant is the owner of the trademark "EAGLEVIEW" for the goods set forth in the aforementioned U.S. trademark registration owned by the Registrant, and the Applicant agrees to refrain from taking any action or filing any proceeding, legal or otherwise, that will hinder the Registrant in its use or registration of the word "EAGLEVIEW" as, or as part of, a trademark for said goods, or any other goods or services.

2) The Registrant agrees to refrain from taking any action or filing any proceeding, legal or otherwise, that will hinder the Applicant in its use or registration of the trademark "EAGLE OPTICS" in conjunction with "binoculars, spotting scopes, and telescopes, all for use in bird watching, and storage cases therefor", or for related bird watching and outdoor products, unless said trademark is abandoned by the Applicant. The Registrant further acknowledges the right of the Applicant to continue its use of the words "EAGLE OPTICS" as a service mark for mail order and/or retail services in the field of bird watching and outdoor products, and optical products, as long as said words are not used in any manner which is likely to suggest that the Applicant is sponsored by the Registrant or is more than an independent re-seller and authorized dealer in the Registrant's goods.

3) The Applicant shall be entitled to file a copy of this agreement in the United States Patent and Trademark Office as evidence of the Registrant's affirmative consent to registration of the Applicant's trademark "EAGLE OPTICS" for the goods set forth in Paragraph No. 2, *supra*.

4) Simultaneously with the execution of this agreement, the Applicant will make a payment to the Registrant of \$ █████.00. The Applicant shall bear its own costs and attorneys' fees relating to the negotiation, execution and performance of the agreement.

5) This agreement shall be effective solely in the United States of America.

6) This agreement may not be amended or terminated except by an instrument in writing, signed by both parties hereto.

7) This agreement shall inure to the benefit of and be binding upon the successors, related companies and assigns of the parties hereto.

8) This agreement does not create a partnership or joint venture between the parties hereto.

9) In the event that any trade or consumer confusion caused by the permitted use or registration of the aforementioned trademarks is brought to the attention of either of the parties hereto, they shall promptly consult with one another and take whatever steps may be reasonably necessary or desirable, and mutually agreeable, to prevent any further occurrence of confusion.

WHEREFORE, the parties have caused this agreement to be executed by their duly-authorized undersigned officers.

SHELTERED WINGS, INC.

By   
Print Name: DAWID C. HADDAD  
Title: PRESIDENT  
Dated: 7/7/2003

NIKON CORPORATION

By   
Print Name: TAKAO WATANABE  
Title: Executive Officer Vice-President  
Dated: 2 July 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/029311

APPLICANT: Sheltered Wings, Inc.

**CORRESPONDENT ADDRESS:**  
ST. ONGE STEWARD JOHNSON & REENS LLC  
986 BEDFORD ST  
STAMFORD, CT 06905-5619

OCT 10 2003

**RETURN ADDRESS:**  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514  
**ecom102@uspto.gov**

MARK: EAGLE OPTICS

CORRESPONDENT'S REFERENCE/DOCKET NO: 03584-T0001A

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

**TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.**

RE: Serial Number 78/029311

On January 8, 2003, action on this application was suspended pending cancellation of Registration No. 2084361. The cancellation has been terminated. Therefore, registration is refused as follows.

The refusal as to Registration No. 2365057 is withdrawn.

**Likelihood of Confusion**

Registration was refused under Trademark Act Section 2(d), 15 U.S.C. §1052(d), because the mark for which registration is sought so resembles the mark shown in U.S. Registration No. 2084361 as to be likely, when used goods the identified goods/services, to cause confusion, or to cause mistake, or to deceive.

The examining attorney has considered the applicant's arguments carefully but has found them unpersuasive. For the reasons below, the refusal under Section 2(d) is reinstated and made FINAL.

The examining attorney must analyze each case in two steps to determine whether there is a likelihood of confusion. First, the examining attorney must look at the marks themselves for

similarities in appearance, sound, connotation and commercial impression. *In re E. I. DuPont de Nemours & Co.*, 476 F.2d 1357, 177 USPQ 563 (CCPA 1973).

The test of likelihood of confusion is not whether the marks can be distinguished when subjected to a side-by-side comparison. The issue is whether the marks create the same overall impression. *Visual Information Institute, Inc. v. Vicon Industries Inc.*, 209 USPQ 179 (TTAB 1980). The focus is on the recollection of the average purchaser who normally retains a general rather than specific impression of trademarks. *Chemetron Corp. v. Morris Coupling & Clamp Co.*, 203 USPQ 537 (TTAB 1979); *Sealed Air Corp. v. Scott Paper Co.*, 190 USPQ 106 (TTAB 1975); TMEP section 1207.01(b).

The examining attorney must look at the marks in their entireties under Section 2(d). Nevertheless, one feature of a mark may be recognized as more significant in creating a commercial impression. Greater weight is given to that dominant feature in determining whether there is a likelihood of confusion. *In re National Data Corp.*, 224 USPQ 749 (Fed. Cir. 1985); *Tektronix, Inc. v. Daktronics, Inc.*, 534 F.2d 915, 189 USPQ 693 (C.C.P.A. 1976). *In re J.M. Originals Inc.*, 6 USPQ2d 1393 (TTAB 1988). TMEP §1207.01(b)(viii).

The applicant's mark is EAGLE OPTICS. The registered mark is EAGLEVIEW. The marks are substantially similar in appearance and commercial impression.

The dominant portion of the marks is the arbitrary term "eagle". It is this portion of the mark that consumers are most likely to recall when calling for the goods.

Second, the examining attorney must compare the goods or services to determine if they are related or if the activities surrounding their marketing are such that confusion as to origin is likely. *In re August Storck KG*, 218 USPQ 823 (TTAB 1983); *In re International Telephone and Telegraph Corp.*, 197 USPQ 910 (TTAB 1978); *Guardian Products Co., v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978).

The applicant's goods are "Binoculars, spotting scopes, and telescopes, all for use in bird watching, and storage cases therefore." The registrant's goods are binoculars. The goods are closely related, namely, both identifications contain binoculars.

Because the marks are substantially similar and the goods are closely related, the similarities among the marks and the goods are so great as to create a likelihood of confusion among consumers as to the source of the goods. The examining attorney must resolve any doubt regarding a likelihood of confusion in favor of the prior registrant. *In re Hyper Shoppers (Ohio), Inc.*, 837 F.2d 463, 6 USPQ2d 1025 (Fed. Cir., 1988).

For the foregoing reasons, the refusal under Section 2(d) is reinstated and made FINAL.

#### **Response to Final Action**

Please note that the only appropriate responses to a final action are either (1) compliance with the outstanding requirements, if feasible, or (2) filing of an appeal to the Trademark Trial and Appeal Board. 37 C.F.R. §2.64(a). If the applicant fails to respond within six months of the mailing date of this refusal, this Office will declare the application abandoned. 37 C.F.R. §2.65(a).

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If the applicant has any questions or needs assistance in responding to the Office action, please telephone or email the assigned examining attorney.

/alrademacher/  
April Rademacher  
Examining Attorney  
Law Office 102  
(703) 308-9102 x206  
(703) 746-8102 (fax)  
april.rademacher@uspto.gov

**How to respond to this Office Action:**

To respond formally using the Office's Trademark Electronic Application System (TEAS), visit <http://www.uspto.gov/teas/index.html> and follow the instructions.

To respond formally via E-mail, visit <http://www.uspto.gov/web/trademarks/tmelecresp.htm> and follow the instructions.

To respond formally via regular mail, your response should be sent to the mailing Return Address listed above and include the serial number, law office and examining attorney's name on the upper right corner of each page of your response.

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For general and other useful information about trademarks, you are encouraged to visit the Office's web site at <http://www.uspto.gov/main/trademarks.htm>

**FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.**

# UNITED STATES PATENT AND TRADEMARK OFFICE

**SERIAL NO:** 78/029311

**APPLICANT:** Sheltered Wings, Inc.

**CORRESPONDENT ADDRESS:**

ST. ONGE STEWARD JOHNSON & REENS LLC  
986 BEDFORD ST  
STAMFORD, CT 06905-5619

**RETURN ADDRESS:**

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3514  
**ecom102@uspto.gov**

**MARK:** EAGLE OPTICS

**CORRESPONDENT'S REFERENCE/DOCKET NO :** 03584-T0001A

Please provide in all correspondence:

**CORRESPONDENT EMAIL ADDRESS:**

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

## OFFICE ACTION

**TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.**

Serial Number 78/029311

On January 8, 2003, action on this application was suspended pending cancellation of Registration No. 2084361. The cancellation has been terminated. Therefore, registration is refused as follows.

The refusal as to Registration No. 2365057 is withdrawn.

-  
**Likelihood of Confusion**

Registration was refused under Trademark Act Section 2(d), 15 U.S.C. §1052(d), because the mark for which registration is sought so resembles the mark shown in U.S. Registration No. 2084361 as to be likely, when used goods the identified goods/services, to cause confusion, or to cause mistake, or to deceive.

The examining attorney has considered the applicant's arguments carefully but has found them unpersuasive. For the reasons below, the refusal under Section 2(d) is reinstated and made FINAL.

The examining attorney must analyze each case in two steps to determine whether there is a likelihood of confusion. First, the examining attorney must look at the marks themselves for similarities in appearance, sound, connotation and commercial impression. *In re E. I. DuPont de Nemours & Co.*, 476 F.2d 1357,

177 USPQ 563 (CCPA 1973).

The test of likelihood of confusion is not whether the marks can be distinguished when subjected to a side-by-side comparison. The issue is whether the marks create the same overall impression. *Visual Information Institute, Inc. v. Vicon Industries Inc.*, 209 USPQ 179 (TTAB 1980). The focus is on the recollection of the average purchaser who normally retains a general rather than specific impression of trademarks. *Chemetron Corp. v. Morris Coupling & Clamp Co.*, 203 USPQ 537 (TTAB 1979); *Sealed Air Corp. v. Scott Paper Co.*, 190 USPQ 106 (TTAB 1975); TMEP section 1207.01(b).

The examining attorney must look at the marks in their entireties under Section 2(d). Nevertheless, one feature of a mark may be recognized as more significant in creating a commercial impression. Greater weight is given to that dominant feature in determining whether there is a likelihood of confusion. *In re National Data Corp.*, 224 USPQ 749 (Fed. Cir. 1985); *Tektronix, Inc. v. Daktronics, Inc.*, 534 F.2d 915, 189 USPQ 693 (C.C.P.A. 1976). *In re J.M. Originals Inc.*, 6 USPQ2d 1393 (TTAB 1988). TMEP §1207.01(b)(viii).

The applicant's mark is EAGLE OPTICS. The registered mark is EAGLEVIEW. The marks are substantially similar in appearance and commercial impression.

The dominant portion of the marks is the arbitrary term "eagle". It is this portion of the mark that consumers are most likely to recall when calling for the goods.

Second, the examining attorney must compare the goods or services to determine if they are related or if the activities surrounding their marketing are such that confusion as to origin is likely. *In re August Storck KG*, 218 USPQ 823 (TTAB 1983); *In re International Telephone and Telegraph Corp.*, 197 USPQ 910 (TTAB 1978); *Guardian Products Co., v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978).

The applicant's goods are "Binoculars, spotting scopes, and telescopes, all for use in bird watching, and storage cases therefore." The registrant's goods are binoculars. The goods are closely related, namely, both identifications contain binoculars.

Because the marks are substantially similar and the goods are closely related, the similarities among the marks and the goods are so great as to create a likelihood of confusion among consumers as to the source of the goods. The examining attorney must resolve any doubt regarding a likelihood of confusion in favor of the prior registrant. *In re Hyper Shoppers (Ohio), Inc.*, 837 F.2d 463, 6 USPQ2d 1025 (Fed. Cir., 1988).

For the foregoing reasons, the refusal under Section 2(d) is reinstated and made FINAL.

#### **Response to Final Action**

Please note that the only appropriate responses to a final action are either (1) compliance with the outstanding requirements, if feasible, or (2) filing of an appeal to the Trademark Trial and Appeal Board. 37 C.F.R. §2.64(a). If the applicant fails to respond within six months of the mailing date of this refusal, this Office will declare the application abandoned. 37 C.F.R. §2.65(a).

If the applicant has any questions or needs assistance in responding to the Office action, please telephone or email the assigned examining attorney.

/alrademacher/  
April Rademacher  
Examining Attorney  
Law Office 102  
(703) 308-9102 x206  
(703) 746-8102 (fax)  
april.rademacher@uspto.gov

**How to respond to this Office Action:**

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To respond formally via E-mail, visit <http://www.uspto.gov/web/trademarks/tmelecresp.htm> and follow the instructions.

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**FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.**

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/029311

APPLICANT: Sheltered Wings, Inc.

JAN - 8 2003

CORRESPONDENT ADDRESS:

ST. ONGE STEWARD JOHNSON & REENS LLC  
986 BEDFORD ST  
STAMFORD, CT 06905-5619

RETURN ADDRESS:

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513  
**ecom102@uspto.gov**

If no fees are enclosed, the address should include the words "Box Responses - No Fee "

MARK: EAGLE OPTICS

CORRESPONDENT'S REFERENCE/DOCKET NO: 03584-T0001A

CORRESPONDENT EMAIL ADDRESS:

Please provide in all correspondence.

- 1 Filing date, serial number, mark and applicant's name
- 2 Date of this Office Action.
- 3 Examining Attorney's name and Law Office number
- 4 Your telephone number and e-mail address

RE: Serial Number 78/029311

NOTICE OF SUSPENSION

Action on this application is suspended pending the disposition of:

- Cancellation No(s). **92041239** *terminated*

If the applicant is a party to the above proceeding, the applicant should advise the Examining Attorney of the outcome of the proceeding when it is terminated.

The refusal as to registration No. 2365057 is continued.

/alrademacher/  
April L. Rademacher  
Examining Attorney  
Law Office 102  
(703) 308-9102 x206  
(703) 872-9166 (fax)  
april.rademacher@uspto.gov

# UNITED STATES PATENT AND TRADEMARK OFFICE

**SERIAL NO:** 78/029311

**APPLICANT:** Sheltered Wings, Inc.

**CORRESPONDENT ADDRESS:**

ST. ONGE STEWARD JOHNSON & REENS LLC  
986 BEDFORD ST  
STAMFORD, CT 06905-5619

**RETURN ADDRESS:**

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513  
**ecom102@uspto.gov**

If no fees are enclosed, the address should include the words "Box Responses - No Fee."

**MARK:** EAGLE OPTICS

**CORRESPONDENT'S REFERENCE/DOCKET NO :** 03584-T0001A

**CORRESPONDENT EMAIL ADDRESS:**

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

Serial Number 78/029311

## NOTICE OF SUSPENSION

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- Cancellation No(s). **92041239**

If the applicant is a party to the above proceeding, the applicant should advise the Examining Attorney of the outcome of the proceeding when it is terminated.

The refusal as to registration No. 2365057 is continued.

/alrademacher/  
April L. Rademacher  
Examining Attorney  
Law Office 102  
(703) 308-9102 x206  
(703) 872-9166 (fax)  
april.rademacher@uspto.gov

**TRADEMARK EXAMINATION WORKSHEET**

AMENDMENT STAGE

NO CHANGE

PUBLICATION/REGISTRATION STAGE

Name: Terra Woodland

L.O. 102

Date 11/30/02 Serial No: 78/029311

INSTRUCTIONS: Place a check mark in the appropriate column and/or box to indicate which data elements have been amended/coded.

**Legal Instrument Examiner (LIE)**

	Amended	Data Element	
<b>Class Data</b>	<input type="checkbox"/>	<input type="checkbox"/> Prime/International Class	<input type="checkbox"/> Goods and Services
	<input type="checkbox"/>	<input type="checkbox"/> First Use Date	<input type="checkbox"/> First Use in Commerce Date
	<input type="checkbox"/>	<input type="checkbox"/> In Another Form	<input type="checkbox"/> Certification
	<input type="checkbox"/>	<input type="checkbox"/> 1b	
<b>Mark Data</b>	<input type="checkbox"/>	<input type="checkbox"/> Word Mark	<input type="checkbox"/> Pseudo Mark
	<input type="checkbox"/>	<input type="checkbox"/> Mark Drawing Code	<input type="checkbox"/> Design Search Code
	<input type="checkbox"/>	<input type="checkbox"/> Scan Drawing	
<b>Misc. Mark Data</b>	<input type="checkbox"/>	<input type="checkbox"/> Mark Description	<input type="checkbox"/> Disclaimer
	<input type="checkbox"/>	<input type="checkbox"/> Lining/Stippling	<input type="checkbox"/> Name/Portrait/Consent
	<input type="checkbox"/>	<input type="checkbox"/> Translation	
<b>Section 2(f)</b>	<input type="checkbox"/>	<input type="checkbox"/> Section 2(f) Entire Mark	
	<input type="checkbox"/>	<input type="checkbox"/> Section 2(f) Limitation Statement	<input type="checkbox"/> Section 2(f) in Part
	<input type="checkbox"/>	<input type="checkbox"/> Amended Register	<input type="checkbox"/> Amended Register Date
<b>Foreign Reg. Data</b>	<input type="checkbox"/>	<input type="checkbox"/> Foreign Country	<input type="checkbox"/> 44(d)
	<input type="checkbox"/>	<input type="checkbox"/> Foreign Application Number	<input type="checkbox"/> Foreign Application Filing Date
	<input type="checkbox"/>	<input type="checkbox"/> Foreign Registration Number	<input type="checkbox"/> Foreign Registration Date
	<input type="checkbox"/>	<input type="checkbox"/> Foreign Registration Expiration Date	<input type="checkbox"/> Foreign Renewal Reg. Number
	<input type="checkbox"/>	<input type="checkbox"/> Foreign Reg. Renewal Expiration Date	<input type="checkbox"/> Foreign Renewal Reg. Date
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	<input type="checkbox"/>	<input type="checkbox"/> Address 1	<input type="checkbox"/> Address 2
	<input type="checkbox"/>	<input type="checkbox"/> City	<input type="checkbox"/> State
	<input type="checkbox"/>	<input type="checkbox"/> Zip Code	
	<input type="checkbox"/>	<input type="checkbox"/> Citizenship	<input type="checkbox"/> Entity
	<input type="checkbox"/>	<input type="checkbox"/> Entity Statement	<input type="checkbox"/> Composed of
	<input type="checkbox"/>	<input type="checkbox"/> Assignment(s)/Name Change	
<b>Amd/Corr Restr.</b>	<input type="checkbox"/>	<input type="checkbox"/> Concurrent Use	
<b>Prior U.S. Reg.</b>	<input type="checkbox"/>	<input type="checkbox"/> Prior Registration	
<b>Correspondence</b>	<input type="checkbox"/>	<input type="checkbox"/> Attorney	<input type="checkbox"/> Domestic Representative
	<input type="checkbox"/>	<input type="checkbox"/> Attorney Docket Number	
	<input type="checkbox"/>	<input type="checkbox"/> Correspondence Firm Name/Address	

I certify that all corrections have been entered in accordance with text editing guidelines.

TERRA WOODLAND  
LIE

11/30/02  
DATE

Other: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant	Sheltered Wings, Inc.
Serial No. 78/029,311	Filing Date: October 5, 2000
Trademark	EAGLE OPTICS
Law Office: 102	Trademark Attorney: April Lueders Rademacher

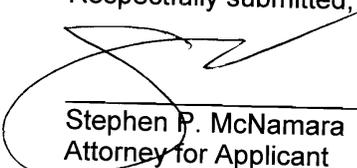
BOX RESPONSES – NO FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

**Request for Suspension**

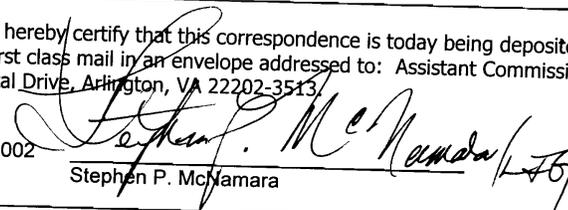
In response to the Office Action mailed October 16, 2002, Applicant advises that Applicant has filed a Petition For Cancellation against the cited mark EAGLEVIEW, U.S. Trademark Reg. No. 2084361.

It is respectfully requested that the present application be suspended pending the outcome of the cancellation action.

Respectfully submitted,

  
\_\_\_\_\_  
Stephen P. McNamara  
Attorney for Applicant  
ST. ONGE STEWARD JOHNSTON & REENS LLC  
986 Bedford Street  
Stamford, CT 06905-5619  
203 324-6155

Certificate of Mailing: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

11/12, 2002   
Stephen P. McNamara

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# Incoming Correspondence Routing Sheet

To: TMEG LAW OFFICE 102 - AWAITING RESPONSE DOCKET

Word Mark: EAGLE OPTICS

TMEG,  
LAW OFFICE 102  
2002 NOV 21 12 09:57  
RECEIVED

Serial No: 78029311



Mail Date: 11142002



Doc. Type: Responses to Office Actions



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**No Fee**

RAM Mail Date: 111402



TRADEMARK  
03584-T0001A SPM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	Sheltered Wings, Inc.
Serial No. 78/029,311	Filing Date: October 5, 2000
Trademark	EAGLE OPTICS
Law Office: 102	Trademark Attorney: April Lueders Rademacher

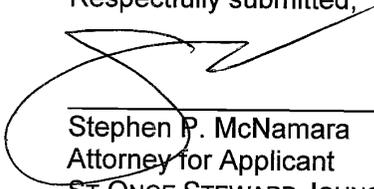
BOX RESPONSES – NO FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

**Request for Suspension**

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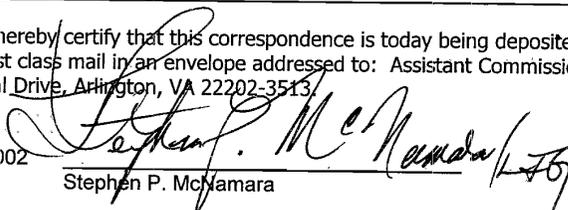
It is respectfully requested that the present application be suspended pending the outcome of the cancellation action.

Respectfully submitted,

  
\_\_\_\_\_  
Stephen P. McNamara  
Attorney for Applicant  
ST. ONGE STEWARD JOHNSTON & REENS LLC  
986 Bedford Street  
Stamford, CT 06905-5619  
203 324-6155

Certificate of Mailing: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

11/12, 2002

  
Stephen P. McNamara

RECEIVED  
2002 NOV 21 PM 9:57  
T.M.E.O.  
LAW OFFICE  
0022

20

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 78/029311

**APPLICANT:** Sheltered Wings, Inc.

OCT 16 2002

**CORRESPONDENT ADDRESS:**

ST. ONGE STEWARD JOHNSON & REENS LLC  
986 BEDFORD ST  
STAMFORD, CT 06905-5619

**RETURN ADDRESS:**

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513  
**ecom102@uspto.gov**

**MARK:** EAGLE OPTICS

**CORRESPONDENT'S REFERENCE/DOCKET NO:** 03584-T0001A

**CORRESPONDENT EMAIL ADDRESS:**

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

**OFFICE ACTION**

**TO AVOID ABANDONMENT, WE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF OUR MAILING OR E-MAILING DATE.**

RE: Serial Number 78/029311

This letter responds to the applicant's communication filed on August 29, 2002.

**Likelihood of Confusion**

Registration was refused under Trademark Act Section 2(d), 15 U.S.C. §1052(d), because the mark for which registration is sought so resembles the marks shown in U.S. Registration Nos. 2365057 and 2084361 as to be likely, when used in connection the identified goods/services, to cause confusion, or to cause mistake, or to deceive.

The examining attorney has considered the applicant's arguments carefully but has found them unpersuasive. For the reasons below, the refusal under Section 2(d) is maintained and made FINAL.

In determining whether there is a likelihood of confusion, the examining attorney must consider all circumstances surrounding the sale of the goods/services. *Industrial Nucleonic Corp. v. Hinde Engineering Co.*, 475 F.2d 1197, 177 USPQ 386 (C.C.P.A. 1973). These circumstances include the marketing channels, the identity of the prospective purchasers and the degree of similarity between the marks and between the goods/services. In comparing the marks, similarity in any one

of the elements of sound, appearance or meaning is sufficient to find a likelihood of confusion. If the goods/services of the parties differ, it is necessary to show that they are related in some manner. *In re Mack*, 197 USPQ 755 (TTAB 1977). TMEP §§1207.01 *et seq.*

The examining attorney must look at the marks in their entireties under Section 2(d). Nevertheless, one feature of a mark may be recognized as more significant in creating a commercial impression. Greater weight is given to that dominant feature in determining whether there is a likelihood of confusion. *In re National Data Corp.*, 224 USPQ 749 (Fed. Cir. 1985); *Tektronix, Inc. v. Daktronics, Inc.*, 534 F.2d 915, 189 USPQ 693 (C.C.P.A. 1976). *In re J.M. Originals Inc.*, 6 USPQ2d 1393 (TTAB 1988). TMEP §1207.01(b)(viii).

In this case, the applicant's mark is EAGLE OPTICS. The registered marks are EAGLE'S BLUFF and EAGLEVIEW. The marks all contain the term "eagle" or a variation of "eagle". This portion of the mark is the dominant portion and thus the portion that consumers are most likely to remember when asking for the goods.

The applicant notes that there has been no confusion in the marketplace, despite more than five years of coexistence. The test under Section 2(d) of the Trademark Act is whether there is a likelihood of confusion. It is unnecessary to show actual confusion in establishing likelihood of confusion. *See Weiss Associates Inc. v. HRL Associates Inc.*, 902 F.2d 1546, 1549, 14 USPQ2d 1840, 1842-43 (Fed. Cir. 1990), and cases cited therein. TMEP §1207.01(d)(ii).

For the foregoing reasons, the refusal under Section 2(d) is maintained and made FINAL.

**Response to Final Action**

Please note that the only appropriate responses to a final action are either (1) compliance with the outstanding requirements, if feasible, or (2) filing of an appeal to the Trademark Trial and Appeal Board. 37 C.F.R. §2.64(a). If the applicant fails to respond within six months of the mailing date of this refusal, this Office will declare the application abandoned. 37 C.F.R. §2.65(a).

If the applicant has any questions or needs assistance in responding to the Office action, please telephone or email the assigned examining attorney.

/alrademacher/  
April L. Rademacher  
Examining Attorney  
Law Office 102  
(703) 308-9102 x206  
(703) 872-9166 (fax)  
april.rademacher@uspto.gov

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**FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY.**

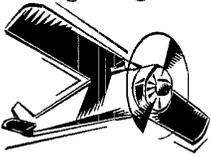
## TRADEMARK EXAMINATION WORKSHEET

 AMENDMENT STAGE

 NO CHANGE

 PUBLICATION/REGISTRATION STAGE

 Name: David Lavine L.O. 110 Date: 09/24/02 Serial No.: 74/75/76/78 02934

INSTRUCTIONS: Place a check mark in the appropriate column and/or box to indicate which data elements have been amended/coded.		
<b>Legal Instrument Examiner (LIE)</b>		
	Amended	Data Element
<b>Class Data</b> 	<input type="checkbox"/> Prime/International Class <input type="checkbox"/> First Use Date <input type="checkbox"/> In Another Form <input type="checkbox"/> 1b	<input type="checkbox"/> Goods and Services <input type="checkbox"/> First Use in Commerce Date <input type="checkbox"/> Certification <input type="checkbox"/> Assign Current Filing basis
<b>Mark Data</b>	<input type="checkbox"/> Word Mark <input type="checkbox"/> Mark Drawing Code <input type="checkbox"/> Sizing/Lining Code	<input type="checkbox"/> Pseudo Mark <input type="checkbox"/> Design Search Code <input type="checkbox"/> Scan Drawing Page
<b>Misc. Mark Data</b>	<input type="checkbox"/> Mark Description <input type="checkbox"/> Lining/Stippling <input type="checkbox"/> Translation	<input type="checkbox"/> Disclaimer <input type="checkbox"/> Name/Portrait/Consent <input type="checkbox"/> Transliteration
<b>Section 2(f)</b>	<input checked="" type="checkbox"/> Section 2(f) Entire Mark <input type="checkbox"/> Section 2(f) Limitation Statement <input type="checkbox"/> Amended Register	<input type="checkbox"/> Section 2(f) In Part <input type="checkbox"/> Amended Stamp <input type="checkbox"/> Amended Register Date
<b>Foreign Reg. Data</b> 	<input type="checkbox"/> Foreign Country <input type="checkbox"/> Foreign Application Number <input type="checkbox"/> Foreign Registration Number <input type="checkbox"/> Foreign Registration Expiration Date <input type="checkbox"/> Foreign Reg. Renewal Expiration Date	<input type="checkbox"/> 44(d) <input type="checkbox"/> Foreign Application Filing Date <input type="checkbox"/> Foreign Registration Date <input type="checkbox"/> Foreign Renewal Reg. Number <input type="checkbox"/> Foreign Renewal Reg. Date
<b>Owner Data</b>	<input type="checkbox"/> Owner Name <input type="checkbox"/> Address 1 <input type="checkbox"/> City <input type="checkbox"/> Zip Code <input type="checkbox"/> Citizenship <input type="checkbox"/> Entity Statement <input type="checkbox"/> Assignment(s)/Name Change	<input type="checkbox"/> DBA/AKA/TA <input type="checkbox"/> Address 2 <input type="checkbox"/> State <input type="checkbox"/> E-mail address (Applicant) <input type="checkbox"/> <input type="checkbox"/> Entity <input type="checkbox"/> Composed of
<b>Amd/Corr Restr.</b>	<input type="checkbox"/> Concurrent Use	<input type="checkbox"/>
<b>Prior U.S. Reg.</b>	<input type="checkbox"/> Prior Registration	
<b>Correspondence</b>	<input type="checkbox"/> Attorney <input type="checkbox"/> Attorney Docket Number <input type="checkbox"/> Correspondence Firm Name/Address	<input type="checkbox"/> Domestic Representative <input type="checkbox"/> E-mail address (Attorney)
I certify that all corrections have been entered in accordance with text editing guidelines.		
<u>DL</u> LIE		<u>09/24/02</u> DATE
Other: _____ _____ _____		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	Sheltered Wings, Inc.
Serial No. 78/029,311	Filing Date: October 5, 2000
Trademark	EAGLE OPTICS
Law Office: 102	Trademark Attorney: April Lueders Rademacher

BOX RESPONSES – NO FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

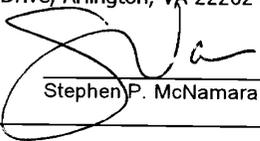
**Response to Official Action**

Dear Sir:

In response to the Office Action mailed on April 11, 2002, please enter the following Remarks.

Certificate of Mailing: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

August 26, 2002

  
\_\_\_\_\_  
Stephen P. McNamara

*AD*

**Remarks**

The Examining Attorney has refused registration of Applicant's mark EAGLE OPTICS on the basis of Trademark Act Section 2(d), 15 U.S.C. Section 1052(d), because the Examining Attorney believes that Applicant's mark, when used on or in conjunction with the identified goods, so resembles the mark EAGLEVIEW, U.S. Registration No. 2,084,361 as to be likely to cause confusion, to cause mistake or to deceive. Applicant respectfully disagrees with this determination and requests reconsideration.

In determining a likelihood of confusion, it is well settled that a mark should not be dissected into component parts and then be compared to the potentially conflicting mark, for it is the impression which the mark creates as a whole that is important, and not the individual parts thereof. In this regard the Examining Attorney is respectfully referred to Massey Junior College, Inc. v. Fashion Institute of Technology, 492 F.2d 1399 (CCPA 1974) where the Court stated:

“that the marks must be considered in their entireties in determining whether there is a likelihood of confusion or mistake is a basic rule in comparison of marks.”

In the prior Office Action, the prior Examiner cited numerous prior “Eagle” marks as the basis for a rejection under Section 2(d) of the Trademark Act. These included prior registrations and applications for EAGLE'S BLUFF, EAGLEVISION, EAGLE EYE, EAGLE. Clearly, the old saw about “eagle eyes” has informed the use of “Eagle” in each of these marks. The eagle is regarded as exemplifying excellent distance vision. This lends itself to use of the term “eagle” in many different marks pertaining to optical products. As such, the term “Eagle” is a relatively weak mark for optical products. In view of this, it is submitted that EAGLE OPTICS, the mark of the present application, is distinguishable from EAGLEVIEW. The marks have different commercial connotations. EAGLE OPTICS connotes high quality optical products. EAGLEVIEW connotes a product that gives the user an eagle's view. In view of the differences in the marks, and their commercial connotations, the marks are distinguishable.

This conclusion is amply supported by cases relating to weak marks that are applied to similar goods. The decisions in In re Bed & Breakfast Registry, 229 U.S.P.Q. 818 (Fed.Cir. 1986) (BED & BREAKFAST REGISTRY not confusingly similar to BED & BREAKFAST INTERNATIONAL for similar services of making lodging reservations); Swatch Watch, S.A. v. Taxor, Inc., 229 U.S.P.Q. 391 (11th Cir. 1986) (T-WATCH not confusingly similar to SWATCH for watches); Bell Laboratories, Inc. v. Colonial Products, Inc., 231 U.S.P.Q. 569 (S.D.Fr. 1986) FINAL FLIP not confusingly similar to FINAL for rodenticides); In re Best Products Co., Inc., 231 U.S.P.Q. 988 (T.T.A.B. 1986) (JEWELER'S BEST for jewelry not confusingly similar to BEST JEWELERS for jewelry services); Plus Products v. Star-Kist Foods, Inc., 220 U.S.P.Q. 541 (T.T.A.B. 1983) (PLUS for pet vitamins and pet food supplements not confusingly similar to MEAT PLUS for pet food); Lindy Pen Co. v. Bic Pen Corp., 226 U.S.P.Q. 17 (9th Cir. 1984) (AUDITORS FINE POINT not confusingly similar to AUDITORS for pens); Burger King Systems, Inc. v. Sandwich Chef, Inc., 203 U.S.P.Q. 733 (C.C.P.A. 1979) (SANDWICH CHEF not confusingly similar to BURGER CHEF for restaurant services); Redken Laboratories, Inc. v. Clairol, Inc., 183 U.S.P.Q. 84 (9th Cir. 1975) (CONDITION & CURL not confusingly similar to CONDITION for hair treatments); and Sunbeam Corp. v. American Safety Razor Co., 207 U.S.P.Q. 799 (T.T.A.B. 1980) (THE LADY not confusingly similar to LADY SUNBEAM for women's razors); show that the mere use of a common word among trademarks is an insufficient basis on which to find a likelihood of confusion. Instead, the other words in the mark, and the overall impression created by the entire mark must be considered in conjunction with the goods or services recited.

Applicant's mark EAGLE OPTICS, when compared to the registered marks EAGLEVIEW, reveals visual and auditory differences in the marks that make them distinguishable when viewed as a whole. Applicant submits that the term OPTICS, when considered in conjunction with the differences in the visual appearance and auditory differences between the marks when considered in their entirety, is sufficient to distinguish its mark from the prior registered mark.

Applicant also wishes to bring to the Examiner's attention that Applicant's goods have been in concurrent use in the marketplace with Registrants' goods for a period of time greater than five years.

The Applicant agrees with the Examining Attorney that each case must be analyzed in steps to determine if there is a likelihood of confusion. However, Applicant respectfully submits that up to as many as thirteen steps or factors must be considered during this analysis, not just the two steps indicated in the Office Action. In re E. I. DuPont de Nemors & Co., 476 F.2d 1357, 177 USPQ 563 (CCPA 1973). Three such additional steps to be considered:

"The conditions under which and buyers to whom sales are made, i.e. "impulse" vs. careful, sophisticated purchasing."

"The length of time during and conditions under which there has been concurrent use without evidence of actual confusion."

"The extent of potential confusion, i.e., whether *de minimus* or substantial."

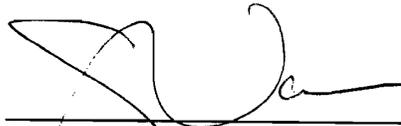
Therefore, when applying these additional steps to the analysis, the products in question are binoculars, a purchase that involves an expense anywhere from \$100 to \$500, and thus is not an impulse purchase, but one where the buyer will make some study before purchasing.

Further, there have been in excess of 5 years concurrent use without any commercial conflict, and certainly without any charge of infringement or other dispute.

Finally, the extent of confusion is *de minimus*. The existence of many registered EAGLE marks on various types of optical goods leads to a determination that the mark EAGLE is weak in respect to the goods and the extent of potential confusion is *de minimus* rather than substantial.

It is respectfully submitted that the foregoing Remarks respond to the issues raised in the Office Action. Accordingly, it is requested that the present application be approved for publication.

Respectfully submitted,



---

Stephen P. McNamara  
Attorney for Applicant  
ST. ONGE STEWARD JOHNSTON & REENS LLC  
986 Bedford Street  
Stamford, CT 06905-5619  
203 324-6155

3A

TRADEMARK  
03584-T0001A SPM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	Sheltered Wings, Inc.
Serial No. 78/029,311	Filing Date: October 5, 2000
Trademark	EAGLE OPTICS
Law Office: 102	Trademark Attorney: April Lueders Rademacher

BOX RESPONSES – NO FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

RECEIVED  
T.M.E.O.  
LAW OFFICE 102  
2002 SEP - 9 10:16

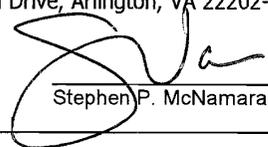
Response to Official Action

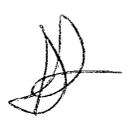
Dear Sir:

In response to the Office Action mailed on April 11, 2002, please enter the following Remarks.

Certificate of Mailing: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

August 26, 2002

  
\_\_\_\_\_  
Stephen P. McNamara



**Remarks**

The Examining Attorney has refused registration of Applicant's mark EAGLE OPTICS on the basis of Trademark Act Section 2(d), 15 U.S.C. Section 1052(d), because the Examining Attorney believes that Applicant's mark, when used on or in conjunction with the identified goods, so resembles the mark EAGLEVIEW, U.S. Registration No. 2,084,361 as to be likely to cause confusion, to cause mistake or to deceive. Applicant respectfully disagrees with this determination and requests reconsideration.

In determining a likelihood of confusion, it is well settled that a mark should not be dissected into component parts and then be compared to the potentially conflicting mark, for it is the impression which the mark creates as a whole that is important, and not the individual parts thereof. In this regard the Examining Attorney is respectfully referred to Massey Junior College, Inc. v. Fashion Institute of Technology, 492 F.2d 1399 (CCPA 1974) where the Court stated:

"that the marks must be considered in their entireties in determining whether there is a likelihood of confusion or mistake is a basic rule in comparison of marks."

In the prior Office Action, the prior Examiner cited numerous prior "Eagle" marks as the basis for a rejection under Section 2(d) of the Trademark Act. These included prior registrations and applications for EAGLE'S BLUFF, EAGLEVISION, EAGLE EYE, EAGLE. Clearly, the old saw about "eagle eyes" has informed the use of "Eagle" in each of these marks. The eagle is regarded as exemplifying excellent distance vision. This lends itself to use of the term "eagle" in many different marks pertaining to optical products. As such, the term "Eagle" is a relatively weak mark for optical products. In view of this, it is submitted that EAGLE OPTICS, the mark of the present application, is distinguishable from EAGLEVIEW. The marks have different commercial connotations. EAGLE OPTICS connotes high quality optical products. EAGLEVIEW connotes a product that gives the user an eagle's view. In view of the differences in the marks, and their commercial connotations, the marks are distinguishable.

This conclusion is amply supported by cases relating to weak marks that are applied to similar goods. The decisions in In re Bed & Breakfast Registry, 229 U.S.P.Q. 818 (Fed.Cir. 1986) (BED & BREAKFAST REGISTRY not confusingly similar to BED & BREAKFAST INTERNATIONAL for similar services of making lodging reservations); Swatch Watch, S.A. v. Taxor, Inc., 229 U.S.P.Q. 391 (11th Cir. 1986) (T-WATCH not confusingly similar to SWATCH for watches); Bell Laboratories, Inc. v. Colonial Products, Inc., 231 U.S.P.Q. 569 (S.D.Fr. 1986) FINAL FLIP not confusingly similar to FINAL for rodenticides); In re Best Products Co., Inc., 231 U.S.P.Q. 988 (T.T.A.B. 1986) (JEWELER'S BEST for jewelry not confusingly similar to BEST JEWELERS for jewelry services); Plus Products v. Star-Kist Foods, Inc., 220 U.S.P.Q. 541 (T.T.A.B. 1983) (PLUS for pet vitamins and pet food supplements not confusingly similar to MEAT PLUS for pet food); Lindy Pen Co. v. Bic Pen Corp., 226 U.S.P.Q. 17 (9th Cir. 1984) (AUDITORS FINE POINT not confusingly similar to AUDITORS for pens); Burger King Systems, Inc. v. Sandwich Chef, Inc., 203 U.S.P.Q. 733 (C.C.P.A. 1979) (SANDWICH CHEF not confusingly similar to BURGER CHEF for restaurant services); Redken Laboratories, Inc. v. Clairol, Inc., 183 U.S.P.Q. 84 (9th Cir. 1975) (CONDITION & CURL not confusingly similar to CONDITION for hair treatments); and Sunbeam Corp. v. American Safety Razor Co., 207 U.S.P.Q. 799 (T.T.A.B. 1980) (THE LADY not confusingly similar to LADY SUNBEAM for women's razors); show that the mere use of a common word among trademarks is an insufficient basis on which to find a likelihood of confusion. Instead, the other words in the mark, and the overall impression created by the entire mark must be considered in conjunction with the goods or services recited.

Applicant's mark EAGLE OPTICS, when compared to the registered marks EAGLEVIEW, reveals visual and auditory differences in the marks that make them distinguishable when viewed as a whole. Applicant submits that the term OPTICS, when considered in conjunction with the differences in the visual appearance and auditory differences between the marks when considered in their entirety, is sufficient to distinguish its mark from the prior registered mark.

Applicant also wishes to bring to the Examiner's attention that Applicant's goods have been in concurrent use in the marketplace with Registrants' goods for a period of time greater than five years.

The Applicant agrees with the Examining Attorney that each case must be analyzed in steps to determine if there is a likelihood of confusion. However, Applicant respectfully submits that up to as many as thirteen steps or factors must be considered during this analysis, not just the two steps indicated in the Office Action. In re E. I. DuPont de Nemors & Co., 476 F.2d 1357, 177 USPQ 563 (CCPA 1973). Three such additional steps to be considered:

"The conditions under which and buyers to whom sales are made, i.e. "impulse" vs. careful, sophisticated purchasing."

"The length of time during and conditions under which there has been concurrent use without evidence of actual confusion."

"The extent of potential confusion, i.e., whether *de minimus* or substantial."

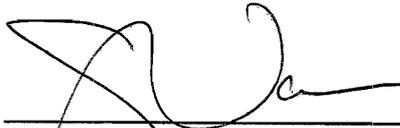
Therefore, when applying these additional steps to the analysis, the products in question are binoculars, a purchase that involves an expense anywhere from \$100 to \$500, and thus is not an impulse purchase, but one where the buyer will make some study before purchasing.

Further, there have been in excess of 5 years concurrent use without any commercial conflict, and certainly without any charge of infringement or other dispute.

Finally, the extent of confusion is *de minimus*. The existence of many registered EAGLE marks on various types of optical goods leads to a determination that the mark EAGLE is weak in respect to the goods and the extent of potential confusion is *de minimus* rather than substantial.

It is respectfully submitted that the foregoing Remarks respond to the issues raised in the Office Action. Accordingly, it is requested that the present application be approved for publication.

Respectfully submitted,



---

Stephen P. McNamara  
Attorney for Applicant  
ST. ONGE STEWARD JOHNSTON & REENS LLC  
986 Bedford Street  
Stamford, CT 06905-5619  
203 324-6155

# Incoming Correspondence Routing Sheet

To: TMEG LAW OFFICE 102 - AWAITING RESPONSE DOCKET

Word Mark: EAGLE OPTICS

Serial No: 78029311



Mail Date: 08292002



Doc. Type: Responses to Office Actions

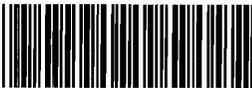


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T.M.E.G.  
LAW OFFICE 102  
2002 SEP -9 A 10: 16

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**No Fee**

RAM Mail Date: 082902





The test of likelihood of confusion is not whether the marks can be distinguished when subjected to a side-by-side comparison. The issue is whether the marks create the same overall impression. *Visual Information Institute, Inc. v. Vicon Industries Inc.*, 209 USPQ 179 (TTAB 1980). The focus is on the recollection of the average purchaser who normally retains a general rather than specific impression of trademarks. *Chemetron Corp. v. Morris Coupling & Clamp Co.*, 203 USPQ 537 (TTAB 1979); *Sealed Air Corp. v. Scott Paper Co.*, 190 USPQ 106 (TTAB 1975); TMEP section 1207.01(b).

The examining attorney must look at the marks in their entireties under Section 2(d). Nevertheless, one feature of a mark may be recognized as more significant in creating a commercial impression. Greater weight is given to that dominant feature in determining whether there is a likelihood of confusion. *In re National Data Corp.*, 224 USPQ 749 (Fed. Cir. 1985); *Tektronix, Inc. v. Daktronics, Inc.*, 534 F.2d 915, 189 USPQ 693 (C.C.P.A. 1976). *In re J.M. Originals Inc.*, 6 USPQ2d 1393 (TTAB 1988). TMEP §1207.01(b)(viii).

The applicant's mark is EAGLE OPTICS. The registered mark is EAGLEVIEW. The marks are substantially similar in appearance and commercial impression. The dominant portion of the marks is the term EAGLE or EAGLE'S. It is this portion of the mark that consumers are most likely to recall when asking for the goods.

Second, the examining attorney must compare the goods or services to determine if they are related or if the activities surrounding their marketing are such that confusion as to origin is likely. *In re August Storck KG*, 218 USPQ 823 (TTAB 1983); *In re International Telephone and Telegraph Corp.*, 197 USPQ 910 (TTAB 1978); *Guardian Products Co., v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978).

The applicant's goods are "binoculars, spotting scopes, and telescopes, all for use in bird watching, and storage cases therefore". The registrant's goods are "binoculars". Both applications contain binoculars.

Because the marks are substantially similar and the goods are overlapping, the similarities among the marks and the goods are so great as to create a likelihood of confusion among consumers as to the source of the goods. The examining attorney must resolve any doubt regarding a likelihood of confusion in favor of the prior registrant. *In re Hyper Shoppers (Ohio), Inc.*, 837 F.2d 463, 6 USPQ2d 1025 (Fed. Cir., 1988).

Although the examining attorney has refused registration, the applicant may respond to the refusal to register by submitting evidence and arguments in support of registration.

If the applicant has any questions or needs assistance in responding to the Office action, please telephone or email the assigned examining attorney.

The Office has reassigned this application to the undersigned examining attorney.



April Lueders Rademacher  
Examining Attorney  
Law Office 102  
(703) 308-9102 x206  
(703) 872-9166 (fax)  
april.rademacher@uspto.gov (informal)  
ecom102@uspto.gov (formal)

**NOTICE FOR APPLICANTS FILING IN INTERNATIONAL CLASS 42**

Effective January 1, 2002, the 8th edition of the Nice Agreement governing the classification of goods and services divided prior International Class 42 into four service mark classes. Information about revised International Class 42 and new International Classes 43, 44, and 45 is available at [www.uspto.gov/web/offices/tac/notices/notices.htm](http://www.uspto.gov/web/offices/tac/notices/notices.htm).

*All applications filed on or after January 1, 2002, must comply with the new classification schedule.* For applications filed *before* January 1, 2002, the new classification schedule is optional. Applicants opting to amend to the new schedule must advise the assigned Examining Attorney.

\*\*\* User: alueders \*\*\* Serial Number: 74603797 \*\*\* 4/10/02 9:59:10 AM \*\*\*

[Typed Drawing]

Mark

EAGLEVIEW

Pseudo Mark

EAGLE-VIEW

Goods and Services

IC 009. US 021 023 026 036 038. G & S: binoculars. FIRST USE:  
19961130. FIRST USE IN COMMERCE: 19961130

Mark Drawing Code

(1) TYPED DRAWING

Serial Number

74603797

Filing Date

November 28, 1994

Filed ITU

FILED AS ITU

Publication for Opposition Date

July 25, 1995

Registration Number

2084361

Registration Date

July 29, 1997

Owner Name and Address

(REGISTRANT) Nikon Inc. CORPORATION NEW YORK 1300 Walt Whitman Road  
Melville NEW YORK 117473064

Assignment Recorded

ASSIGNMENT RECORDED

Type of Mark

TRADEMARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

Mark I. Peroff

\*\*\* Search: 11 \*\*\* Document Number: 46 \*\*\*

**\*TRADEMARK EXAMINATION WORKSHEET**

AMENDMENT STAGE     NO CHANGE     PUBLICATION/REGISTRATION STAGE

Name: MONIQUE WATTS L.O. 102    Date 10/20/01    Serial No. 78/029311

INSTRUCTIONS: Place a check mark in the appropriate column and/or box to indicate which data elements have been amended/coded		
Legal Instrument Examiner (LIE)		
	Amended	Data Element
<b>Class Data</b>	<input type="checkbox"/>	Prime/International Class
	<input type="checkbox"/>	Goods and Services
	<input type="checkbox"/>	First Use Date
	<input type="checkbox"/>	First Use in Commerce Date
<b>Mark Data</b>	<input type="checkbox"/>	In Another Form
	<input type="checkbox"/>	Certification
	<input type="checkbox"/>	1b
<b>Misc. Mark Data</b>	<input type="checkbox"/>	Word Mark
	<input type="checkbox"/>	Pseudo Mark
	<input type="checkbox"/>	Mark Drawing Code
<b>Section 2(f)</b>	<input type="checkbox"/>	Design Search Code
	<input type="checkbox"/>	Sizing/Lining Code
	<input type="checkbox"/>	Mark Description
<b>Foreign Reg. Data</b>	<input type="checkbox"/>	Disclaimer
	<input type="checkbox"/>	Name/Portrait/Consent
	<input type="checkbox"/>	Translation
<b>Owner Data</b>	<input type="checkbox"/>	Section 2(f) Entire Mark
	<input type="checkbox"/>	Section 2(f) Limitation Statement
	<input type="checkbox"/>	Section 2(f) in Part
<b>Correspondence</b>	<input type="checkbox"/>	Amended Register
	<input type="checkbox"/>	Amended Register Date
	<input type="checkbox"/>	Foreign Country
	<input type="checkbox"/>	44(d)
	<input type="checkbox"/>	Foreign Application Number
<b>Amd/Corr Restr.</b>	<input type="checkbox"/>	Foreign Application Filing Date
	<input type="checkbox"/>	Foreign Registration Number
	<input type="checkbox"/>	Foreign Registration Date
	<input type="checkbox"/>	Foreign Registration Expiration Date
	<input type="checkbox"/>	Foreign Renewal Reg. Number
	<input type="checkbox"/>	Foreign Renewal Reg. Date
	<input type="checkbox"/>	Foreign Reg. Renewal Expiration Date
<b>Prior U.S. Reg.</b>	<input type="checkbox"/>	Owner Name
	<input type="checkbox"/>	DBA/AKA/TA
	<input type="checkbox"/>	Address 1
	<input type="checkbox"/>	Address 2
	<input type="checkbox"/>	City
	<input type="checkbox"/>	State
	<input type="checkbox"/>	Zip Code
<b>Other:</b>	<input type="checkbox"/>	Citizenship
	<input type="checkbox"/>	Entity
	<input type="checkbox"/>	Entity Statement
<b>Correspondence</b>	<input type="checkbox"/>	Composed of
	<input type="checkbox"/>	Assignment(s)/Name Change
	<input type="checkbox"/>	Concurrent Use
<b>Correspondence</b>	<input type="checkbox"/>	Prior Registration
	<input type="checkbox"/>	Attorney
	<input type="checkbox"/>	Domestic Representative
<b>Correspondence</b>	<input type="checkbox"/>	Attorney Docket Number
	<input checked="" type="checkbox"/>	Correspondence Firm Name/Address
	I certify that all corrections have been entered in accordance with text editing guidelines.	
<b>M.L.W.</b>		
LIE		
<u>10/20/01</u>		
DATE		
Other: _____		
_____		
_____		



Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513  
www.uspto.gov

TO:  
Patricia Smith King  
King Research & Law  
222 N. Midvale Boulevard, Suite 22  
Madison, WI 53705

OCT 12 2001

Serial No.: 78/029311

Mark: EAGLE OPTICS

Applicant: Sheltered Wings, Inc.

REQUEST TO WITHDRAW AS ATTORNEY OF RECORD UNDER 37 C.F.R. SECTIONS 2.19(b)  
AND 10.40

Your petition to withdraw as the attorney of record in the above-identified application was received on June 22, 2001. It meets the requirements of 37 C.F.R. section 10.40 and is hereby granted.

All further communications regarding this application will be directed to the applicant.

Thomas Shaw  
Managing Attorney  
Law Office 102  
(703) 308- 9102

cc:  
Sheltered Wings, Inc.  
2120 W. Greenview Dr. #4  
Middleton, WI 53562

L-102

TRADEMARK  
03584-T0001A SPM

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	Sheltered Wings, Inc.
Serial No. 78/029,311	Filing Date: October 5, 2000
Trademark	EAGLE OPTICS
Law Office: 102	Trademark Attorney: Shanna Winters

BOX RESPONSES – NO FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513



06-21-2001  
U.S. Patent & TMO/TM Mail Rcpt Dt. #10

**Response to Official Action**

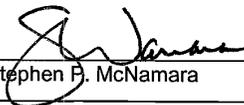
Dear Sir:

In response to the Office Action mailed on March 20, 2001, please enter the following Amendment and Remarks.

RECEIVED  
JUN 26 4 9 14  
LAW OFFICE 102  
TMO

Certificate of Mailing: I hereby certify that this correspondence is today being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

June 19, 2001

  
\_\_\_\_\_  
Stephen F. McNamara

LP

**Amendment**

Please rewrite the identification of goods, if acceptable to the Examining Attorney, to read as follows in its entirety:

BINOCULARS, SPOTTING SCOPES, AND TELESCOPES, ALL FOR USE IN BIRD WATCHING, AND STORAGE CASES THEREFORE, in international class 009

Please enter the following disclaimer:

No claim is made to the exclusive right to use "OPTICS" apart from the mark as shown

*present*

Please note the enclosed Power of Attorney. Please direct all future correspondence to:

[

Stephen P. McNamara  
ST. ONGE STEWARD JOHNSTON & REENS LLC  
986 Bedford Street  
Stamford, CT 06905-5619

]

Tel. 203 324-6155

**Remarks**

The Examiner has objected to the identification of goods. By the foregoing amendment, the identification of goods is amended as suggested by the Examiner; except that Applicant renews the use of "spotting scopes", which the Examiner has objected to. "Spotting scope" is a common commercial term for a type of telescope used in birdwatching that provides an upright image. Printouts showing common use of "spotting scope" in the field are enclosed. It is requested that the Examiner withdraw the objection to this term.

The Examining Attorney has entered a requirement for disclaimer. By the foregoing Amendment the disclaimer is entered, without waiver of any common law or separate registration rights that Applicant may have in the disclaimed subject matter.

The Examiner has objected to the specimen. A Declaration and a substitute specimen are enclosed.

The Examining Attorney has refused registration of Applicant's mark EAGLE OPTICS on the basis of Trademark Act Section 2(d), 15 U.S.C. Section 1052(d), because the Examining Attorney believes that Applicant's mark, when used on or in conjunction with the identified goods, so resembles the marks in U.S. Registration Nos. 2,365,057, 1,998,951, 1,587,502 and 1,245,781 as to be likely to cause confusion, to cause mistake or to deceive. Applicant respectfully disagrees with this determination and requests reconsideration.

In determining a likelihood of confusion, it is well settled that a mark should not be dissected into component parts and then be compared to the potentially conflicting mark, for it is the impression which the mark creates as a whole that is important, and not the individual parts thereof. In this regard the Examining Attorney is respectfully referred to Massey Junior College, Inc. v. Fashion Institute of Technology, 492 F.2d 1399 (CCPA 1974) where the Court stated:

"that the marks must be considered in their entireties in determining whether there is a likelihood of confusion or mistake is a basic rule in comparison of marks."

Applicant's mark EAGLE OPTICS, when compared to the cited marks in the context of the relevant goods, reveals differences in the marks that make them distinguishable when viewed as a whole. The only term common to each mark is the term EAGLE. However, it is submitted that the term EAGLE is a relatively weak mark in the context of any type of optical products, given the connotation of excellent vision associated with eagles.

Applicant's mark is EAGLE OPTICS for BINOCULARS, SPOTTING SCOPES, AND TELESCOPES, ALL FOR USE IN BIRD WATCHING, and STORAGE CASES

THEREFORE. The products are marketed in channels of trade to consumers who obtain such equipment for bird watching. See Applicant's catalog which is submitted herewith.

EAGLE'S BLUFF, Reg. No. 2,365,057, is registered for binoculars. This mark, while using the same EAGLE prefix which is part of Applicant's mark, presents a very different commercial impression, as "Eagle's Bluff" connotes a location, e.g. a tall cliff, but does not directly call to mind an eagle per se. Confusion is not likely given the differences in the name and the commercial impressions.

EAGLEVISION, Reg. No. 1,998,951 is registered for sunglasses and sport goggles. In view of the differences between the registrant's products and the applicant's product it is submitted that there is no likelihood of confusion. Applicant's products are binoculars and scopes for bird watching. The Registrant's products are sunglasses and goggles for skiing and golf. The products serve different ends, and confusion is not likely given the differences in the name and the differences in the product.

EAGLE EYE, Reg. No. 1,587,502 is registered for variety of night vision equipment, such as infrared goggles, helmet screens and image intensifiers. The market for this product is clearly the military/police type market. It is not the same market as the very gentle art of bird watching. The products serve different ends, and confusion is not likely given the differences in the name and the differences in the product.

EAGLE, Reg. No. 1,245,781 is registered for "ophthalmic frames, and mountings" (in other words, eyeglass frames). In view of the differences between the registrant's products and the applicant's product it is submitted that there is no likelihood of confusion. Applicant's products are binoculars and scopes for bird watching. The Registrant's products are eyeglass frames. The products serve different ends, and confusion is not likely given the differences in the name and the differences in the product.

This conclusion is amply supported by the case law relating to weak marks that are applied to similar goods. The decisions in In re Bed & Breakfast Registry, 229 U.S.P.Q. 818 (Fed.Cir. 1986) (BED & BREAKFAST REGISTRY not confusingly similar

to BED & BREAKFAST INTERNATIONAL for similar services of making lodging reservations); Swatch Watch, S.A. v. Taxor, Inc., 229 U.S.P.Q. 391 (11th Cir. 1986) (T-WATCH not confusingly similar to SWATCH for watches); Bell Laboratories, Inc. v. Colonial Products, Inc., 231 U.S.P.Q. 569 (S.D.Fr. 1986) FINAL FLIP not confusingly similar to FINAL for rodenticides); In re Best Products Co., Inc., 231 U.S.P.Q. 988 (T.T.A.B. 1986) (JEWELER'S BEST for jewelry not confusingly similar to BEST JEWELERS for jewelry services); Plus Products v. Star-Kist Foods, Inc., 220 U.S.P.Q. 541 (T.T.A.B. 1983) (PLUS for pet vitamins and pet food supplements not confusingly similar to MEAT PLUS for pet food); Lindy Pen Co. v. Bic Pen Corp., 226 U.S.P.Q. 17 (9th Cir. 1984) (AUDITORS FINE POINT not confusingly similar to AUDITORS for pens); Burger King Systems, Inc. v. Sandwich Chef, Inc., 203 U.S.P.Q. 733 (C.C.P.A. 1979) (SANDWICH CHEF not confusingly similar to BURGER CHEF for restaurant services); Redken Laboratories, Inc. v. Clairol, Inc., 183 U.S.P.Q. 84 (9th Cir. 1975) (CONDITION & CURL not confusingly similar to CONDITION for hair treatments); and Sunbeam Corp. v. American Safety Razor Co., 207 U.S.P.Q. 799 (T.T.A.B. 1980) (THE LADY not confusingly similar to LADY SUNBEAM for women's razors); show that the mere use of a common word among trademarks is an insufficient basis on which to find a likelihood of confusion. Instead, the other words in the mark, and the overall impression created by the entire mark must be considered in conjunction with the goods or services recited.

Applicant's mark EAGLE OPTICS, when compared to the registered marks EAGLE'S BLUFF, EAGLEVISION, EAGLE EYE and EAGLE and design, reveals visual and auditory differences in the marks that make them distinguishable when viewed as a whole. Applicant submits that the term OPTICS, when considered in conjunction with the differences in the visual appearance and auditory differences between the marks when considered in their entirety, is sufficient to distinguish its mark from each of the Registered marks.

Given the differences in the products, and the relative weakness of mark of the cited application, it is respectfully submitted that the potential rejection should be with-

drawn. Such a result is consistent with other cases involving weakly suggestive marks, even where the parties goods are services are much closer than they are in this application. See, e.g., ); The Nestle Company Inc. v. Nash-Finch Co., 4 USPQ 2d 1085 (TTAB 1987) (DELI QUICK for delicatessen products not confusingly similar to famous Nestle's QUIK for chocolate milk, powdered sweetened cocoa).

The Examining Attorney has cited In re Appetito Provisions Co., 3 USPQ 2d 1553 (TTAB 1987) as support for refusal to register Applicant's mark because she feels that one feature of a mark may be more significant in creating a commercial impression and disclaimed matter is typically less significant or dominant. Applicant respectfully disagrees with this determination. The Appetito case pertains to whether the mark AP-PETITO and design is confusingly similar with APPETITO'S and an "A" design and AP-PETITO'S INC. and the design of a sandwich and the letter "A". In that instance the Board determined that a consumer would not remember the sandwich design, the letter "A" or the abbreviation "INC", only APPETITO'S. However, in the instant case, Applicant's mark and the first three Registrants' marks are word marks, with each mark containing two words and with one registration also containing the term EAGLE and a specific design feature. This set of facts differs substantially from the Appetito case where the marks were essentially one-word marks. Applicant submits that the term OPTICS, when considered in conjunction with the differences in the visual appearance and auditory differences between the marks when considered in their entirety, is sufficient to distinguish its mark from each of the registered marks.

Applicant's EAGLE OPTICS mark has a distinctly different commercial connotation than Registrant's EAGLE'S BLUFF, EAGLEVISION, EAGLE EYE, and EAGLE and design. Three of the four registered marks utilize the term EAGLE as a modifier of a second descriptive component of the respective marks. Therefore, use of the modifier in this manner suggests that Applicant's goods pertain to some type of optical equipment, while EAGLE'S BLUFF suggests the location of an eagle's nest, and EAGLEVISION, EAGLE EYE each pertain to the keen eyesight characteristic of eagles. Each use

of the modifier "eagle" presents an entirely different commercial impression. Therefore, the overall commercial impressions created by the respective marks further differentiate the marks in the minds of consumers.

Applicant also wishes to bring to the Examiner's attention that Applicant's goods have been in concurrent use in the marketplace with Registrants' goods for a period of time greater than five years.

The Applicant agrees with the Examining Attorney that each case must be analyzed in steps to determine if there is a likelihood of confusion. However, Applicant respectfully submits that up to as many as thirteen steps or factors must be considered during this analysis, not just the two steps indicated in the Office Action. In re E. I. Du-Pont de Nemors & Co., 476 F.2d 1357, 177 USPQ 563 (CCPA 1973). Three such additional steps to be considered:

"The conditions under which and buyers to whom sales are made, i.e. "impulse" vs. careful, sophisticated purchasing."

"The length of time during and conditions under which there has been concurrent use without evidence of actual confusion."

"The extent of potential confusion, i.e., whether *de minimus* or substantial."

Therefore, when applying these additional steps to the analysis, Applicant's use of the mark EAGLE OPTICS presents visual and auditory differences when the marks are considered in their entirety, as well as presenting entirely different commercial impressions. Additionally, the existence of many registered EAGLE marks on various types of optical goods leads to a determination that the mark EAGLE is weak in respect to the goods and the extent of potential confusion is *de minimus* rather than substantial.

It is respectfully submitted that the foregoing Amendment and Remarks responds to the issues raised in the Office Action. Accordingly, it is requested that the present application be approved for publication.

Respectfully submitted,



---

Stephen P. McNamara  
Attorney for Applicant  
ST.ONGE STEWARD JOHNSTON & REENS LLC  
986 Bedford Street  
Stamford, CT 06905-5619  
203 324-6155

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TRADEMARK  
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	Sheltered Wings, Inc.
Serial No. 78/029,311	Filing Date: October 5, 2000
Trademark	EAGLE OPTICS

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

**Power of Attorney**

Dear Sir:

Applicant, Sheltered Wings, Inc., a corporation of the State of Wisconsin, having its principal place of business at Suite Four; 2120 West Greenview Drive; Middletown, WI 53562, hereby appoints the following attorney to prosecute this application and transact all business in the Patent and Trademark Office connected therewith:

Stephen P. McNamara  
Attorney for Applicant  
ST.ONGE STEWARD JOHNSTON & REENS LLC  
986 Bedford Street  
Stamford, CT 06905-5619  
Telephone (203) 324-6155  
Facsimile (203) 327-1096

Please direct all correspondence and other communications to the above named attorney at the above address.

**Sheltered Wings, Inc.**

April 23, 2001  
Date

By Daniel C. Hamilton  
Name Daniel C. Hamilton  
Title President

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	Sheltered Wings, Inc.
Serial No. 78/029,311	Filing Date: 5 October 2000
Trademark	EAGLE OPTICS
Law Office: 102	Trademark Attorney: Shanna Winters

BOX RESPONSES, NO FEE  
Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

**Declaration in Support of Specimens**

Daniel C. Hamilton hereby declares as follows:

1. I am the President of Applicant **SHELTERED WINGS, INC.** herein; I am authorized to give this Declaration on behalf of Applicant; and I am fully familiar with Applicant's use of the subject Trademark.
2. Submitted with this Declaration are specimens of use of the Trademark EAGLE OPTICS in International Class 9, showing the mark as actually used in connection with the goods, namely, BINOCULARS, SPOTTING SCOPES, AND TELESCOPES, ALL FOR USE IN BIRDWATCHING, AND STORAGE CASES THEREFOR. The specimens submitted herewith were in use in commerce at least as early as the filing date of the application.
3. I hereby declare that all statements made herein of my own knowledge are true, all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements and the like so made may jeopardize the validity of the application or document or any registration resulting therefrom.

6/13/2001  
Date

  
\_\_\_\_\_  
Daniel C. Hamilton  
SHELTERED WINGS, INC.

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Like every other thing, telescopes performance and usage can be enhanced through accessories. Whether it is an eyepiece, which will increase magnification or result in a wider field of view, or an image erector, or a camera adapter, an accessory is definitely a need in certain cases.



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## Spotting Scopes

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60mm White Zoom

60mm Pro Zoom

60 White View

110 White View

C5

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- Site Navigation -

## WHICH SPOTTING SCOPE IS BEST FOR YOU?

There are several factors to consider when choosing a spotting scope. Listed below are the more important criteria that you may wish to consider.

### Diameter Of Objective Lens

A spotting scope is really a telescope that produces an upright image. The major function of a spotting scope, like all telescopes, is to gather incoming light. The larger the diameter of the spotting scope's objective lens, the more light it gathers, with more light translating into a brighter and better image. As the size of the objective lens increases, greater detail and clarity of image will be afforded.

### Magnification (Power)

Magnification is the degree to which the object being viewed is enlarged. Magnification, or power, in a spotting scope is a function of the relationship of two independent optical systems — the optics of the spotting scope itself and the eyepiece being used. To determine magnification, divide the focal length of the spotting scope by the focal length of the eyepiece.

By exchanging an eyepiece of one focal length for another eyepiece with a different focal length, you can increase or decrease the magnification of the spotting scope. For example, a 30mm eyepiece used on a C90 spotting scope with a 1000mm focal length would yield a magnification of 33x. A 9mm eyepiece used on the same C90 spotting scope would yield a power of 110x.

There is, however, a limit to how much you can magnify an image. As a rule of thumb, the maximum magnification is equal to 50 to 60 times the diameter (in inches) of the spotting scope's objective lens (under ideal conditions). Magnification higher than this will produce a dim and fuzzy image. In most cases, a magnification of 20 to 35x is the most useful and satisfying range to use with spotting scopes under normal daytime conditions. Zoom spotting scopes have a single, built-in eyepiece to give you a range of magnifications without the need to change eyepieces.

### **Focal Length**

The distance, in an optical system, from the objective lens to the point where the instrument is in focus (the focal point). The longer the focal length of the instrument, the larger the image scale it offers.

### **Near Focus**

The distance between the instrument and the nearest object you can focus on, while maintaining a good image and sharp focus, defines the near focus. Short near focus is important for close-up visual and photographic work.

### **Field Of View**

The size of the area, in degrees, that can be seen while looking through the spotting scope is the angular field of view. Linear field of view refers to the width of the area that can be observed at 1,000 yards, and is expressed in feet. A larger field of view translates to a larger area seen through the spotting scope. Field of view is related to magnification, with greater magnification creating a smaller field of view, in general. The angular field of view is calculated by dividing the apparent field of the eyepiece by the magnification being used. ( $AFE \div \text{Magnification} = AFV$ ). Once the angular field of view is known, the linear field can be determined by multiplying the angular field by 52.5.

### **Focal Ratio or Photographic Speed (F/Stop)**

The ratio of the focal length of the spotting scope to the diameter (aperture) of its objective lens, in millimeters. Spotting scopes with small f/stop numbers react to incoming light faster than spotting scopes with larger f/stop numbers. So, the smaller the f/stop number, the shorter your photographic exposure time.

### **Exit Pupil**

The diameter, in millimeters, of the beam of light that leaves the eyepiece of the spotting scope is the "exit pupil". To calculate the exit pupil, divide the size of the objective lens, in millimeters, by the magnification of the eyepiece being used. The larger the exit pupil, the brighter the image.

### **Eye Relief**

The minimum distance between the eyepiece of the spotting scope and your eye that still allows you to see the entire field of

view.

### **Coatings**

Optical coatings are important, as they determine the throughput transmission of a spotting scope. The better the quality of the lens coatings, the brighter the image will be and the higher the contrast of the image will be. Fully multi-coated lenses are the best quality you can choose.

### **Portability**

For applications such as hiking and hunting, portability is a prime factor to consider. For stationary viewing, a large diameter objective lens becomes of primary importance.

### **Versatility**

Most Celestron spotting scopes can be used three different ways: (1). As a telephoto lens when attached to a 35mm SLR camera, (2). For terrestrial observing , and (3). As a telescope. This is the kind of versatility you want.

### **Construction**

Both mechanical and optical construction are important. Alignment of the optical elements (collimation) is critical for achieving optimal results. All Celestron spotting scopes are laser aligned to ensure comfortable viewing, even during extended viewing sessions.



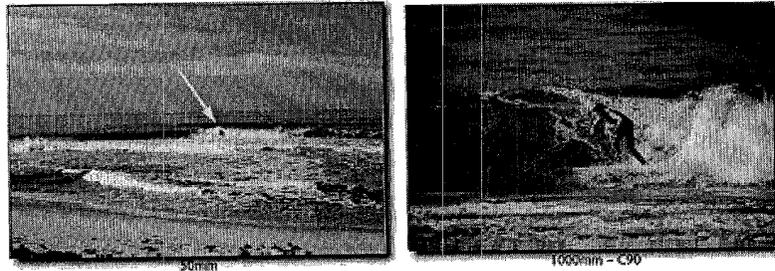
## **USING A SPOTTING SCOPE AS A TELEPHOTO LENS**

A long telephoto lens brings you close optically when you can't get close physically. Distance shrinks between you and your subject, allowing you to capture both far away and close-up images on film.

Most Celestron spotting scopes are designed to be dual purpose visual and photographic instruments. For photographic use, all that's required is a T-Adapter for the spotting scope and the correct T-ring for your particular 35mm SLR camera. With these two simple, inexpensive accessories the usability of your spotting scope is easily enhanced.

The criteria given to consider in choosing a spotting scope applies equally well when choosing a telephoto lens.

The following pictures demonstrate what a telephoto lens can do. The picture on the left is a standard 50mm photo and the picture on the right was taken with Celestron's C90 spotting scope (1000mm) at the same distance.



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Name of Person Signing Certificate: Patricia Smith King

Signature: Patricia Smith King

Date of Signing: 12 June 2001

<b>SERIAL NO.:</b> 78/029311	
<b>FILING DATE:</b> October 5, 2000	<b>06-19-2001</b>
<b>MARK:</b> EAGLE OPTICS	U.S. Patent & TMO/TM Mail Rcpt Dt. #84
<b>APPLICANT:</b> Sheltered Wings, Inc.	

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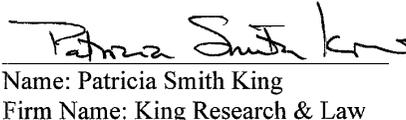
**Application for Withdrawal from Representation of Applicant**

Sir:

The undersigned hereby applies for withdrawal from representation of the applicant in connection with the above-identified trademark application. The basis for this request is as follows: Discharge by client (37 CFR 10.40(b)(4)).

The undersigned affirms that she has taken reasonable steps to avoid foreseeable prejudice to the rights of the applicant pursuant to 37 C.F.R. Section 10.40(a), including informing applicant of the Trademark Examiner's first Office Action in this case, the options available to applicant and the deadline date for reply to the first Office Action (September 20, 2001), by letter on April 3, 2001. I have also forwarded a copy of this withdrawal to applicant after receiving notice from applicant of my discharge from applicant's service (dated 11 June 2001), and that all pertinent paperwork, including the original Office Action in this case, has been forwarded to applicant. The applicant has informed me that he is "pursuing other counsel" on this matter and gave no reason for doing so. As evidenced by the attached Certificate of Service, a copy of this Application has been sent to the applicant.

Respectfully submitted,



Name: Patricia Smith King  
Firm Name: King Research & Law  
Address: 222 N. Midvale Boulevard, Suite 22  
Madison, WI 53705  
Telephone : 1-608-231-2988

Dated: 12 June 2001

**Certificate of Service**

The undersigned hereby certifies that a copy of the foregoing Withdrawal as Attorney is being served upon the Applicant by first class mail on this 12th day of June, 2001, by placing the same in an envelope addressed as follows: Daniel Hamilton, President, Sheltered Wings, Inc., 2120 West Greenview Drive #4, Middleton, WI 53562.



Patricia Smith King

Dated: 12 June 2001



Applying the above analysis to this application, the trademark attorney must first conclude that the marks are similar. Applicant's mark is comprised of the terms EAGLE and OPTICS. The registrants' marks consist of the wording EAGLE/'S combined with an additional term or a design. When a mark consists of a word portion and a design portion, the word portion is more likely to be impressed upon a purchaser's memory and to be used in calling for the goods or services. *In re Appetito Provisions Co.*, 3 USPQ2d 1553 (TTAB 1987); *Amoco Oil Co. v. Amerco, Inc.*, 192 USPQ 729 (TTAB 1976). As such, the comparison between the marks in terms of their literal portions is afforded greater weight. The term OPTICS is merely descriptive and as such the term, EAGLE is the dominant component of the applicant's mark. The addition of OPTICS in this mark, or the additional terms or design in the registrants' marks does not alter the commercial impression of the marks so as to render them dissimilar

As to the second part of the test, applicant's mark is used in conjunction with various scopes, binoculars and related optic accessories. The registrants' marks include some of the identical goods, including binoculars or related optical items. The goods of the parties need not be identical or directly competitive to find a likelihood of confusion. They need only be related in some manner, or the conditions surrounding their marketing be such, that they could be encountered by the same purchasers under circumstances that could give rise to the mistaken belief that the goods come from a common source. *In re Martin's Famous Pastry Shoppe, Inc.*, 748 F.2d 1565, 223 USPQ 1289 (Fed. Cir. 1984); *In re Corning Glass Works*, 229 USPQ 65 (TTAB 1985); *In re Rexel Inc.*, 223 USPQ 830 (TTAB 1984); *Guardian Products Co., Inc. v. Scott Paper Co.*, 200 USPQ 738 (TTAB 1978); *In re International Telephone & Telegraph Corp.*, 197 USPQ 910 (TTAB 1978). As such, the goods are to some extent identical, and all are related in that they are optic accessories. Thus since the marks are similar and the goods are related, there is a likelihood of confusion and registration must be refused.

Although registration has been refused, the applicant may respond to the refusal by submitting evidence and arguments in support of registration.

#### INFORMALITIES

If the applicant chooses to respond to the refusal to register, the applicant must also respond to the following informal issues.

##### *I. Identification of Goods*

The wording "spotting scopes" in the identification of goods is unacceptable as indefinite. The applicant may amend this wording to "periscopes," if accurate. TMEP section 804.

The wording "and other related accessories including optic cases and straps and optic cleaning tools" in the identification of goods is too broad because it could include items classified in other classes. The applicant must amend the identification to list each item by its common commercial name. TMEP sections 804 and 804.03. The applicant may amend this wording to "and cases and straps therefor," if accurate. TMEP section 804. As to the cleaning tools, if the applicant has access to the world wide web, it is strongly recommended that it review the Office's searchable database of the Manual of Acceptable Identifications of Goods and Services. The address for this is: <http://www.uspto.gov/cgi-bin/goods-services.pl>. **See Classification below.**

In the identification, the applicant must use the common commercial names for the goods, be as complete and specific as possible and avoid the use of indefinite words and phrases. If the applicant chooses to use indefinite terms, such as "accessories," "components," "devices," "equipment," "materials," "parts," "systems" and "products," then those words must be followed by the word "namely" and the goods listed by their common commercial names. TMEP sections 804 and 804.08(c).

Please note that, while an application may be amended to clarify or limit the identification, additions to the identification are not permitted. 37 C.F.R. Section 2.71(a); TMEP section 804.09. Therefore, the applicant may not amend to include any goods that are not within the scope of goods set forth in the present identification.

## II. *Disclaimer*

The applicant must disclaim the descriptive wording "optics"<sup>1</sup> apart from the mark as shown. Trademark Act Section 6, 15 U.S.C. Section 1056; TMEP sections 1213 and 1213.02(a). The wording is merely descriptive because it describes the type of goods. The computerized printing format for the *Trademark Official Gazette* requires a standard form for a disclaimer. TMEP section 1213.09(a)(i). A properly worded disclaimer should read as follows:

No claim is made to the exclusive right to use "optics" apart from the mark as shown.

*See In re Owatonna Tool Co.*, 231 USPQ 493 (Comm'r Pats. 1983).

## III. *Specimen for Goods*

The specimen is unacceptable as evidence of actual trademark use because it does not show the mark on the goods. The applicant must submit a specimen showing the mark as used in commerce. 37 C.F.R. Section 2.56. Examples of acceptable specimens are tags, labels, instruction manuals, containers or photographs that show the mark on the goods or packaging. The applicant must verify, with an affidavit or a declaration under 37 C.F.R. Section 2.20, that the substitute specimen was in use in commerce at least as early as the filing date of the application. *Jim Dandy Co. v. Siler City Mills, Inc.*, 209 USPQ 764 (TTAB 1981); 37 C.F.R. Section 2.59(a); TMEP section 905.10.

The statement supporting use of the substitute specimen must read as follows:

The substitute specimen was in use in commerce at least as early as the filing date of the application.

---

<sup>1</sup>**optics** (ôp'tiks) *noun* (used with a *sing. verb*) *Abbr. opt.* The branch of physics that deals with light and vision, *The American Heritage® Dictionary of the English Language, Third Edition* copyright © 1992 by Houghton Mifflin Company. Electronic version licensed from INSO Corporation; further reproduction and distribution restricted in accordance with the Copyright Law of the United States. All rights reserved.

The applicant must sign this statement either in affidavit form or with a declaration under 37 C.F.R. Section 2.20. The following is a properly worded declaration under 37 C.F.R. Section 2.20. At the end of the response, the applicant should insert the declaration signed by someone authorized to sign under 37 C.F.R. Section 2.33(a).

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that the facts set forth in this application are true; all statements made of his/her own knowledge are true; and all statements made on information and belief are believed to be true.

\_\_\_\_\_  
(Signature)

\_\_\_\_\_  
(Print or Type Name and Position)

\_\_\_\_\_  
(Date)

*Please note:* while certain displays are proper specimens the test is clearly delineated:

In accordance with this decision, examining attorneys should accept any catalog or similar specimen as a display associated with the goods, provided that (1) it includes a picture of the relevant goods, (2) it includes the mark sufficiently near the picture of the goods to associate the mark with the goods, and (3) it includes information necessary to order the goods. Any form of advertising which satisfies these criteria should be construed as a display associated with the goods. TMEP 905.

While applicant submits a catalog, there is no order form attached and as such, the original specimens do not function as displays.

#### *IV. Classification*

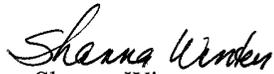
Please note, if applicant amends the identification to include goods not currently in Class 9, and the applicant prosecutes this application as a combined, or multiple-class, application, the applicant must comply with each of the following:

- (1) The applicant must specifically identify the goods in each class and list the goods by international class with the classes listed in ascending numerical order. TMEP section 1113.01.
- (2) The applicant must submit a filing fee for each international class of goods not covered by the fee already paid. 37 C.F.R. Sections 2.6(a)(1) and 2.86(b); TMEP sections 810.01 and 1113.01. The fee for filing a trademark application is \$325 for each class.
- (3) The applicant must submit:
  - (a) dates of first use and first use in commerce and one specimen for each class that includes goods or services based on use in commerce under Trademark Act Section

1(a). The dates of use must be at least as early as the filing date of this application. 37 C.F.R. Sections 2.34(a)(1) and 2.86(a), and the specimen(s) must have been in use in commerce at least as early as the filing date of the application, and/or

(b) a statement of a bona fide intention to use the mark in commerce on or in connection with all the goods or services specified in each class that includes goods or services based on a bona fide intention to use the mark in commerce under Trademark Act Section 1(b).

(4) The applicant must submit an affidavit or a declaration under 37 C.F.R. Section 2.20 signed by the applicant to verify (3) above. 37 C.F.R. Sections 2.59(a) and 2.71(c).



Shanna Winters  
Trademark Attorney  
US Patent & Trademark Office  
Law Office 102  
(703) 308-9102 x.205

# EAGLE'S BLUFF

Mark

EAGLE'S BLUFF

Pseudo Mark

EAGLES BLUFF

Goods and Services

IC 009. US 021 023 026 036 038. G & S: optical apparatus and instruments, namely, binoculars. FIRST USE: 19981031. FIRST USE IN COMMERCE: 19981130

Mark Drawing Code

(1) TYPED DRAWING

Serial Number

75448217

Filing Date

March 11, 1998

Filed ITU

FILED AS ITU

Publication for Opposition Date

July 20, 1999

Registration Number

2365057

Registration Date

July 4, 2000

Owner Name and Address

(REGISTRANT) GUTMANN CUTLERY, INC. CORPORATION WASHINGTON 1821 Valencia Street Bellingham WASHINGTON 98226

Type of Mark

TRADEMARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

Attorney of Record

MICHAEL R SCHACHT

\*\*\* User: sblaustein \*\*\* Serial Number: 74480438 \*\*\* 3/15/01 3:25:26 PM \*

[Typed Drawing]

Mark

EAGLEVISION

Pseudo Mark

EAGLE VISION

Goods and Services

IC 025. US 022 039. G & S: clothing and headwear, namely polo-type shirts, sweatshirts, tee-shirts, hats, caps and visors. FIRST USE: 19930601. FIRST USE IN COMMERCE: 19930601

IC 009. US 021 023 026 036 038. G & S: optical products, namely non-prescription sunglasses which may be used with separate clip-on prescription lenses, and frames and lenses therefor. FIRST USE: 19930601. FIRST USE IN COMMERCE: 19930601

IC 028. US 022 023 038 050. G & S: non-prescription sport goggles for skiing, golf and other outdoor activities, which may be used with separate clip-on prescription lenses, and frames and lenses therefor. FIRST USE: 19930601. FIRST USE IN COMMERCE: 19930601

Mark Drawing Code

(1) TYPED DRAWING

Serial Number

74480438

Filing Date

January 18, 1994

Publication for Opposition Date

January 17, 1995

Registration Number

1998951

Registration Date

September 10, 1996

Owner Name and Address

(REGISTRANT) Bolle' America, Inc. CORPORATION COLORADO 3890 Elm Street  
Denver COLORADO 80207

Assignment Recorded

ASSIGNMENT RECORDED

Type of Mark

TRADEMARK

Register

PRINCIPAL

Live Dead Indicator

LIVE

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(cont)

\*\*\* User: sblaustein \*\*\* Serial Number: 74480438 \*\*\*

Attorney of Record  
Anthony K. Mallgren

\*\*\* Search: 4 \*\*\* Document Number: 413 \*\*\*

\*\*\* User: sblaustein \*\*\* Serial Number: 73770315 \*\*\* 3/15/01 3:25:26 PM \*

[Typed Drawing]

Mark

EAGLE EYE

Goods and Services

IC 009. US 026 039. G & S: OPTICAL EQUIPMENT, NAMELY, INFRARED GOGGLES, EYEGLASSES, HELMET SCREENS AND IMAGE INTENSIFIERS. FIRST USE: 19880223. FIRST USE IN COMMERCE: 19880223

Mark Drawing Code

(1) TYPED DRAWING

Serial Number

73770315

Filing Date

December 19, 1988

Publication for Opposition Date

December 26, 1989

Registration Number

1587502

Registration Date

March 20, 1990

Owner Name and Address

(REGISTRANT) NIGHT VISION CORPORATION CORPORATION ILLINOIS 7301 Lincoln Avenue Suite 180 Lincolnwood ILLINOIS 60646

Type of Mark

TRADEMARK

Register

PRINCIPAL

Affidavit Text

SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20001115.

Renewal

1ST RENEWAL 20001115

Live Dead Indicator

LIVE

Attorney of Record

Daniel L. Boots

\*\*\* Search: 4 \*\*\* Document Number: 512 \*\*\*

\*\*\* User: sblaustein \*\*\* Serial Number: 73371958 \*\*\* 3/15/01 3:25:27 PM \*



Mark

EAGLE

Goods and Services

IC 009. US 026. G & S: Ophthalmic Frames and Mountings and Parts  
Thereof. FIRST USE: 19801113. FIRST USE IN COMMERCE: 19801113

Mark Drawing Code

(3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Code

031701 031702 270102

Serial Number

73371958

Filing Date

June 28, 1982

Publication for Opposition Date

April 26, 1983

Registration Number

1245781

Registration Date

July 19, 1983

Owner Name and Address

(REGISTRANT) Art-Craft Optical Company, Inc. CORPORATION NEW YORK 89  
Allen St. Rochester NEW YORK 14608

Type of Mark

TRADEMARK

Register

PRINCIPAL

Affidavit Text

SECT 15. SECT 8 (6-YR).

Live Dead Indicator

LIVE

Attorney of Record

EUGENE S. STEPHENS

\*\*\* Search: 4 \*\*\* Document Number: 566 \*\*\*

\*\*\* User: sblaustein \*\*\*

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Session Duration 48:31 minutes

Default NEAR limit= 1 ADJ limit= 1

**Drawing Page**

**Serial Number:**

78029311

**Applicant:**

Sheltered Wings, Inc.  
2120 W. Greenview Dr. #4  
Middleton WI USA 53562



**Date of First Use:**

01/01/1996

**Date of First Use in Commerce:**

04/01/1996

**Goods and Services:**

Binoculars, spotting scopes, telescopes and related accessories including, optics cases and straps, and optics cleaning tools.

**Mark:**

EAGLE OPTICS



NO OCR



10-05-2000

**Internet Transmission Date:**  
2000/10/05

**Serial Number:**  
78029311

**Filing Date:**  
2000/10/05



TRADEMARK APPLICATION

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

TOTAL FEES PAID: \$325

RAM SALE NUMBER: 37  
RAM ACCOUNTING DATE: 20001006



NO OCR



10-05-2000

<SERIAL NUMBER> 78029311  
<FILING DATE> 10/05/2000

<DOCUMENT INFORMATION>  
<TRADEMARK/SERVICEMARK APPLICATION>  
<VERSION 1.22>

<APPLICANT INFORMATION>  
<NAME> Sheltered Wings, Inc.  
<STREET> 2120 W. Greenview Dr. #4  
<CITY> Middleton  
<STATE> WI  
<COUNTRY> USA  
<ZIP/POSTAL CODE> 53562  
<TELEPHONE NUMBER> 608-836-6568

<APPLICANT ENTITY INFORMATION>  
<CORPORATION: STATE/COUNTRY OF INCORPORATION> Wisconsin

<TRADEMARK/SERVICEMARK INFORMATION>  
<MARK> EAGLE OPTICS  
<TYPED FORM> Yes

\* Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). \*

<BASIS FOR FILING AND GOODS/SERVICES INFORMATION>  
<USE IN COMMERCE: SECTION 1(a)> Yes  
\* Applicant is using or is using through a related company the mark in commerce on or in connection with the below-identified goods/services. (15 U.S.C. Section 1051(a), as amended). Applicant attaches one SPECIMEN for each class showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services. \*  
<SPECIMEN> Yes  
<SPECIMEN DESCRIPTION> A page from the current Eagle Optics catalog showing a number of Eagle Optics brand binoculars.  
<INTERNATIONAL CLASS NUMBER> 009  
<LISTING OF GOODS AND/OR SERVICES> Binoculars, spotting scopes, telescopes and related accessories including, optics cases and straps, and optics cleaning tools.  
<FIRST USE ANYWHERE DATE> 01/01/1996  
<FIRST USE IN COMMERCE DATE> 04/01/1996

**<ATTORNEY INFORMATION>**

<NAME> Patricia Smith King  
<STREET> 222 N. Midvale Blvd., Suite 22  
<CITY> Madison  
<STATE> WI  
<COUNTRY> USA  
<ZIP/POSTAL CODE> 53705-5076  
<E-MAIL ADDRESS> pking@kingresearch.com  
<FIRM NAME> King Research & Law  
<TELEPHONE NUMBER> 608-231-2988  
<FAX NUMBER> 608-231-3918  
<ATTORNEY DOCKET NUMBER> Ham-001

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<TOTAL FEES PAID> 325  
<NUMBER OF CLASSES PAID> 1  
<NUMBER OF CLASSES> 1

**<LAW OFFICE INFORMATION>**

\* The USPTO is authorized to communicate with the applicant's attorney at the below e-mail address \*

<E-MAIL ADDRESS FOR CORRESPONDENCE> pking@kingresearch.com

**<SIGNATURE AND OTHER INFORMATION>**

\* PTO-Application Declaration: The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

\*

<SIGNATURE> /psk42/  
<DATE> 10/05/2000  
<NAME> Patricia Smith King  
<TITLE> Attorney

**<MAILING ADDRESS>**

<LINE> Patricia Smith King  
<LINE> King Research & Law  
<LINE> 222 N. Midvale Blvd., Suite 22  
<LINE> Madison WI 53705-5076

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**<SERIAL NUMBER INFORMATION>**

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E-MAIL ADDRESS FOR ACKNOWLEDGMENT> pking@kingresearch.com

**Drawing Page**

**Serial Number:**

78029311

**Applicant:**

Sheltered Wings, Inc.  
2120 W. Greenview Dr. #4  
Middleton WI USA 53562



**Date of First Use:**

01/01/1996

**Date of First Use in Commerce:**

04/01/1996

**Goods and Services:**

Binoculars, spotting scopes, telescopes and related accessories including, optics cases and straps, and optics cleaning tools.

**Mark:**

EAGLE OPTICS



NO OCR



10-05-2000

NAME Sheltered Wings, Inc.  
STREET 2120 W. Greenview Dr. #4  
CITY Middleton  
STATE WI  
COUNTRY USA  
ZIP/POSTAL CODE 53562  
TELEPHONE NUMBER 608-836-6568  
CORPORATION: Wisconsin  
STATE/COUNTRY OF INCORPORATION  
MARK EAGLE OPTICS  
TYPED FORM Yes  
USE IN COMMERCE: Yes  
SECTION 1(a)  
SPECIMEN Yes  
SPECIMEN DESCRIPTION A page from the current Eagle Optics catalog showing a number of Eagle Optics brand binoculars.  
INTERNATIONAL CLASS NUMBER 009  
LISTING OF GOODS AND/OR SERVICES Binoculars, spotting scopes, telescopes and related accessories including, optics cases and straps, and optics cleaning tools.  
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DATE 10/05/2000  
NAME Patricia Smith King  
TITLE Attorney  
LINE Patricia Smith King  
LINE King Research & Law  
LINE 222 N. Midvale Blvd., Suite 22  
LINE Madison WI 53705-5076  
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<SERIAL NUMBER> 78029311  
<FILING DATE> 10/05/2000

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<VERSION 1.22>

<APPLICANT INFORMATION>

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<COUNTRY> USA  
<ZIP/POSTAL CODE> 53562  
<TELEPHONE NUMBER> 608-836-6568

<APPLICANT ENTITY INFORMATION>

<CORPORATION: STATE/COUNTRY OF INCORPORATION> Wisconsin

<TRADEMARK/SERVICEMARK INFORMATION>

<MARK> EAGLE OPTICS  
<TYPED FORM> Yes

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<SPECIMEN> Yes

<SPECIMEN DESCRIPTION> A page from the current Eagle Optics catalog showing a number of Eagle Optics brand binoculars.

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<LISTING OF GOODS AND/OR SERVICES> Binoculars, spotting scopes, telescopes and related accessories including, optics cases and straps, and optics cleaning tools.

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<FIRST USE IN COMMERCE DATE> 04/01/1996

<ATTORNEY INFORMATION>

<NAME> Patricia Smith King  
<STREET> 222 N. Midvale Blvd., Suite 22

<CITY> Madison  
<STATE> WI  
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<ZIP/POSTAL CODE> 53705-5076  
<E-MAIL ADDRESS> pking@kingresearch.com  
<FIRM NAME> King Research & Law  
<TELEPHONE NUMBER> 608-231-2988  
<FAX NUMBER> 608-231-3918  
<ATTORNEY DOCKET NUMBER> Ham-001

**<FEE INFORMATION>**

<TOTAL FEES PAID> 325  
<NUMBER OF CLASSES PAID> 1  
<NUMBER OF CLASSES> 1

**<LAW OFFICE INFORMATION>**

\* The USPTO is authorized to communicate with the applicant's attorney at the below e-mail address \*

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**<SIGNATURE AND OTHER INFORMATION>**

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<SIGNATURE> /psk42/  
<DATE> 10/05/2000  
<NAME> Patricia Smith King  
<TITLE> Attorney

**<MAILING ADDRESS>**

<LINE> Patricia Smith King  
<LINE> King Research & Law  
<LINE> 222 N. Midvale Blvd., Suite 22  
<LINE> Madison WI 53705-5076

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E-MAIL ADDRESS FOR ACKNOWLEDGMENT> pking@kingresearch.com

**Internet Transmission Date:**

2000/10/05

**Filing Date:**

2000/10/05

**Serial Number:**

78029311



TRADEMARK APPLICATION

U.S. DEPARTMENT OF COMMERCE  
PATENT AND TRADEMARK OFFICE  
FEE RECORD SHEET

TOTAL FEES PAID: \$325

RAM SALE NUMBER: 37

RAM ACCOUNTING DATE: 20001006



NO OCR



10-05-2000

**Drawing Page**

**Serial Number:**

78029311

**Applicant:**

Sheltered Wings, Inc.  
2120 W. Greenview Dr. #4  
Middleton WI USA 53562



**Date of First Use:**

01/01/1996

**Date of First Use in Commerce:**

04/01/1996

**Goods and Services:**

Binoculars, spotting scopes, telescopes and related accessories including, optics cases and straps, and optics cleaning tools.

**Mark:**

EAGLE OPTICS



NO OCR



10-05-2000

ORIGINAL SPECIMEN

Internet Transmission Date:  
2000/10/05

Serial Number:  
78029311

Filing Date:  
2000/10/05

**EAGLE OPTICS** Lifetime warranty

**Eagle Optics Ranger Binoculars**

The Ranger binoculars comes loaded with desirable features and are priced to make them an incredible binocular value. With these premier models you have the opportunity to own a first class lifetime binocular with performance that rivals that of those costing significantly more.

These center focus roof prism models are offered exclusively by Eagle Optics in four sizes: 7x36, 8x42, 10x42 and 10x50. Magnified objects are highly detailed and have excellent color fidelity. Unlike some lesser quality models, they feature fully multi-coated lenses and high density prism glass for exceptional image brightness and resolution.

The Rangers are completely waterproof so there will be no problem with internal fogging. A precise internal focusing mechanism keeps out dust, dirt and moisture. The magnesium alloy housing is rugged, yet lightweight with an elegant and slim, rubber armored housing for a comfortable and secure grip. Eyeglass or sunglass wearers will appreciate the long eye relief of this glass for comfortable unobscured viewing. A large center focus knob is conveniently located at the eyepiece end of the hinge, perfectly positioned for fine focus adjustments. For precise individual eye adjustments, a click-stop diopter adjustment is located on the right eyepiece.

The close focus ability is truly amazing with these binoculars and the Rangers make an excellent choice for the close-up nature observation of insects, butterflies and plants. Some individuals have focused as near as two feet with them! They perform so well up close that it's practically like having a field microscope and binocular all in one.



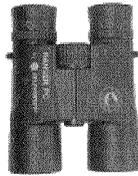
Each Eagle Optics Ranger binocular comes with a deluxe soft carrying pouch and a neck strap.

**Eagle Optics Phase Corrected Rangers**

The premier Ranger binoculars are now available in phase corrected (PC) models to create a sharper view—sure to be appreciated by birders or anyone interested in the finest detail and clarity. Their close focus ability makes them an excellent choice for close-up nature observation of insects, butterflies, plants and more.

Phase correction forces the lightbeams that are normally shifted when entering the binocular barrels, back into phase. This improves the image quality and contrast. Like the standard models, the Ranger PC models are loaded with desirable features that rival more costly binoculars.

When you consider the reasonable price (under \$500) of these models, the Ranger PC models should warrant serious consideration for anyone seeking a top-quality glass. The phase correction provides an additional alternative to the already extremely popular Rangers.



Eagle Optics 8x42 Ranger PC

**Eagle Optics Mini Ranger Binoculars**

Have you been looking in the "hard-to-find" category of roof prism compacts under \$200.00? Then here are two models that are actually worth the money!

These Rangers are completely waterproof with multi-coated lens elements. The 8x24 and 10x28 both have respectable eye relief and near focus distances. They are protected with a rubber armored covering and very lightweight. Each binocular includes a soft case and neck strap.



8x24 Mini Ranger

Model	EYE RELIEF	FIELD OF VIEW (1000 YDS)	NEAR FOCUS	WEIGHT
8x24	13mm	32'	9'	5.0 oz.
10x28	12mm	25.7'	12'	7.0 oz.



**Eagle Optic Raptors**  
Developed by and for Leica, the industry-leading German optics company. Manufactured by Minox and protected by a lifetime limited warranty.

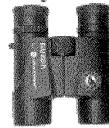
**QUESTIONS?**

CALL EAGLE OPTICS FOR FRIENDLY KNOWLEDGEABLE SERVICE

CALL TOLL FREE! EAGLE OPTICS AT 800-289-1132. COPYRIGHT 2000

**Rangers for Birders!**

Everything you've always wanted in a premium binocular—for less!  
Waterproof/Fogproof  
Rubber Armored  
Exceptionally Lightweight  
Fully Multi-coated Lenses  
High Density Optical Glass  
Extremely Close Focusing  
Long Eye Relief  
Center Focus  
Click-stop Diopter  
Internal Focusing  
Lifetime Warranty



Eagle Optics 7x36 Ranger

Model	EYE RELIEF	FIELD OF VIEW (1000 YDS)	NEAR FOCUS	WEIGHT
7x36	19mm	37.4'	4'	20.0 oz.
8x42	18mm	32.8'	5'	22.6 oz.
10x42	15mm	26.2'	6'	23.4 oz.
10x50	17mm	26.2'	8'	28.0 oz.

**Eagle Optics Raptor PC Binoculars**

The Raptor PC models elegantly combine the classic values of superb optical performance with mechanical precision in a compact design. All this comes at an extremely affordable price with many innovative features that make them substantially higher in quality than other similarly priced models.



10x42 Raptor PC

The Raptor PC binoculars are ideal for just about any activity you undertake.

Anti-reflective fully multi-coated lens elements and phase corrected prism deliver bright, high contrast and razor-sharp images in a completely waterproof and fogproof body. Add a rubber armored body and you have exceptionally sturdy binoculars for extreme environments. A rugged, waterproof internal focusing system offers a lifetime of trouble-free operation. The user-friendly ergonomic design makes them easy to handle, too. Twist style sliding rubber eyecups



Twist-style sliding eyecups

are handy for eyeglass wearers who will also enjoy an extremely wide field of view in comfort because of extended eye relief. The 8x32 Raptor PC has almost no equal when it comes to viewing butterflies, performing particularly well at close distances. It can easily slip into a front pocket or be carried from its neck strap for hours without strain. The 10x42 Raptor offers incredible value in a high magnification binocular with exceptional optical performance. Comes with a soft carry case and strap and a Leica Lifetime Warranty.

Model	EYE RELIEF	FIELD OF VIEW (1000 YDS)	NEAR FOCUS	WEIGHT
8x32	16mm	39.4'	8'	21.7 oz.
10x42	15mm	32.0'	8.2'	26.6 oz.

The applicant has submitted required color specimen. The USPTO has printed only one copy of the specimen, and extra copies can be produced in-house as needed.

# EAGLE OPTICS

1 Year warranty

## Eagle Optics Ranger Binoculars

The Ranger Binoculars comes loaded with desirable features and are priced to make them an incredible binocular value. With these premier models you have the opportunity to own a first class, lifetime binocular with performance that rivals that of those costing significantly more.

These center focus roof prism models are offered exclusively by Eagle Optics in four sizes: 7x36, 8x42, 10x42 and 10x50. Magnified objects are highly detailed and have excellent color fidelity. Unlike some lesser quality imitations, they feature fully multi-coated lenses and high density prism glass for exceptional image brightness and resolution.

The Rangers are completely waterproof so there will be no problem with internal fogging. A precise internal focusing mechanism keeps out dust, dirt and moisture. The magnesium alloy housing is rugged, yet lightweight, with an elegant and slim, rubber armored housing for a comfortable and secure grip.

Eyeglass or sunglasses wearers will appreciate the long eye relief of the glass for comfortable, unobscured viewing. A large center focus knob is conveniently located at the eyepiece end of the hinge, perfectly positioned for fine focus adjustments. For precise individual eye adjustments, a click-stop diopter adjustment is located on the right eyepiece.

The close focus ability is truly amazing with these binoculars and the Rangers make an excellent choice for the close-up nature observation of insects, butterflies and plants. Some individuals have focused as near as five feet with them! They perform so well up close that it's practically like having a field microscope and binocular all in one.



Eagle Optics 8x42 Ranger

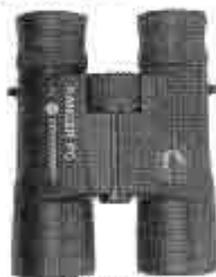
Eagle Optics 10x42 Ranger



Each Eagle Optics Ranger binocular comes with a deluxe soft carrying pouch and a neck strap.

## Eagle Optics Phase Corrected Rangers

The premier Ranger binoculars are now available in phase corrected (PC) models to create a sharper view—sure to be appreciated by birders or anyone interested in the finest detail and clarity. Their close focus ability makes them an excellent choice for close up nature observation of insects, butterflies, plants and more.



Eagle Optics 8x42 Ranger PC

Phase correction forces the lightbeams, that are normally shifted when entering the binocular barrels, back into phase. This improves the image quality and contrast. Like the standard models, the Ranger PC models are loaded with desirable features that rival more costly binoculars.

When you consider the reasonable price (under \$500) of these models, the Ranger PC models should warrant serious consideration for anyone seeking a top quality glass. The phase correction provides an additional alternative to the already extremely popular Rangers.

	Eye Relief	Field of View	Near Focus	Weight
8x42	18mm	328'	5'	22.6 oz.
10x42	15mm	262'	6'	23.4 oz.
10x50	17mm	262'	8'	28.0 oz.

## Eagle Optics Mini Ranger Binoculars

Have you been looking in the "barely-there" something-worth-buying category of roof prism compacts under \$200.00? Then, here are two models that are actually worth the money!



8x24 Mini Ranger

These Rangers are completely waterproof with multi-coated lens elements. The 8x24 and 10x28 both have respectable eye relief and near focus distances. They are protected with a rubber armored covering and very lightweight. Each binocular includes a soft case and neck strap.

New Lower Price!

	Eye Relief	Field of View	Near Focus	Weight
8x24	13mm	328'	9'	5.0 oz.
10x28	12mm	257'	12'	7.0 oz.



**Eagle Optic Raptors**  
Developed by and for Leica, the industry leading German optics company. Manufactured by Minix and protected by a lifetime limited warranty.

## QUESTIONS?

CALL EAGLE OPTICS FOR FRIENDLY, KNOWLEDGEABLE SERVICE.

CALL TOLL FREE! EAGLE OPTICS AT 800-288-1132. COPYRIGHT 2000

## Rangers for Birders!

Everything you've always wanted in a premium binocular--for less!  
Waterproof/Fogproof  
Rubber Armored  
Exceptionally Lightweight  
Fully Multi-coated Lenses  
High Density Optical Glass  
Extremely Close Focusing  
Long Eye Relief  
Center Focus  
Click-stop Diopter  
Internal Focusing  
Lifetime Warranty



Eagle Optics 7x36 Ranger

	Eye Relief	Field of View	Near Focus	Weight
7x36	19mm	374'	4'	20.0 oz.
8x42	18mm	328'	5'	22.6 oz.
10x42	15mm	262'	6'	23.4 oz.
10x50	17mm	262'	8'	28.0 oz.

## Eagle Optics Raptor PC Binoculars

The Raptor PC models elegantly combine the classic values of superb optical performance with mechanical precision in a compact design. All this comes at an extremely affordable price with many innovative features that make them substantially higher in quality than other similarly priced models. The Raptor PC binoculars are ideal for just about any activity you undertake.



10x42 Raptor PC

Anti-reflective fully multi-coated lens elements and phase corrected prism deliver bright, high contrast and razor-sharp images in a completely waterproof and fogproof body. Add a rubber armored body and you have exceptionally sturdy binoculars for extreme environments. A rugged, waterproof internal focusing system offers a lifetime of trouble-free operation. The user friendly ergonomic design makes them easy to handle, too. Twist-style sliding rubber eyecups are handy for eyeglass wearers who will also enjoy an extremely wide field of view in comfort because of extended eye relief.



Twist style sliding eyecups

The 8x32 Raptor PC has almost no equal when it comes to viewing butterflies, performing particularly well at close distances. It can easily slip into a front pocket or be carried from its neck strap for hours without strain. The 10x42 Raptor offers incredible value in a high magnification binocular with exceptional optical performance. Comes with a soft carry case and strap and a Leica Lifetime Warranty.

	Eye Relief	Field of View	Near Focus	Weight
8x32	11.6mm	394'	6'	21.7 oz.
10x42	11.5mm	320'	8.2'	26.6 oz.

**EXHIBIT C  
TO DECLARATION OF  
JACQUELINE M. SCHWARTZ**

Int. Cls.: 9 and 35

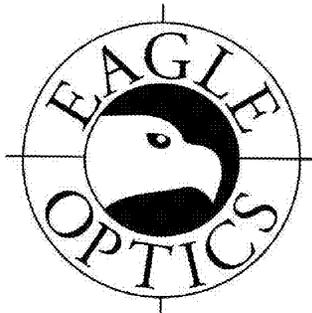
Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101 and 102

Reg. No. 3,192,083

United States Patent and Trademark Office

Registered Jan. 2, 2007

TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER



SHELTERED WINGS, INC. (WISCONSIN CORPORATION)  
SUITE FOUR  
2120 WEST GREENVIEW DRIVE  
MIDDLETOWN, WI 53562

FOR: BINOCULARS, SPOTTING SCOPES, TELESCOPES, AND STORAGE CASES THEREFOR, ALL FOR USE IN BIRDWATCHING, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 5-0-2001; IN COMMERCE 12-0-2001.

FOR: RETAIL STORE, MAIL ORDER AND ONLINE RETAIL STORE SERVICES FEATURING BINOCULARS, SPOTTING SCOPES, TELESCOPES,

AND STORAGE CASES THEREFOR, ALL FOR USE IN BIRDWATCHING, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 0-0-1987; IN COMMERCE 0-0-1987.

OWNER OF U.S. REG. NO. 2,886,199.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "OPTICS", APART FROM THE MARK AS SHOWN.

SER. NO. 78-699,411, FILED 8-24-2005.

KRISTIN DAHLING, EXAMINING ATTORNEY

**Generated on:** This page was generated by TSDR on 2012-08-23 13:19:07 EST

**Mark:** EAGLE OPTICS



**US Serial Number:** 78699411

**Application Filing Date:** Aug. 24, 2005

**US Registration Number:** 3192083

**Registration Date:** Jan. 02, 2007

**Register:** Principal

**Mark Type:** Trademark, Service Mark

**Status:** A Sections 8 and 15 combined declaration has been accepted and acknowledged.

**Status Date:** Mar. 20, 2012

**Publication Date:** Oct. 17, 2006

---

### Mark Information

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**Mark Literal Elements:** EAGLE OPTICS

**Standard Character Claim:** No

**Mark Drawing Type:** 3 - AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/ LETTER(S)/NUMBER(S)

**Color(s) Claimed:** Color is not claimed as a feature of the mark.

**Disclaimer:** "OPTICS"

03.15.01 - Eagles

03.15.24 - Stylized birds and bats

03.17.16 - Heads of birds

16.03.25 - Crosshairs; Gun sights; Viewers, slide, hand-held

26.01.02 - Plain single line circles; Circles, plain single line

**Design Search**

**Code(s):** 26.01.08 - Letters, numerals or punctuation forming or bordering the perimeter of a circle;Circles having punctuation as a border;Circles having letters or numerals as a border  
26.01.17 - Two concentric circles;Circles, two concentric;Concentric circles, two  
26.01.21 - Circles that are totally or partially shaded.

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### Related Properties Information

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**Claimed Ownership of US Registrations:** [2886199](#)

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### Goods and Services

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**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [..] indicate deleted goods/services;
- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Binoculars, spotting scopes, telescopes, and storage cases therefor, all for use in birdwatching

**International Class:** 009 - Primary Class                      **U.S Class:** 021, 023, 026, 036, 038

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** May 2001                                      **Use in Commerce:** Dec. 2001

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**For:** Retail store, mail order and online retail store services featuring binoculars, spotting scopes, telescopes, and storage cases therefor, all for use in birdwatching

**International Class:** 035 - Primary Class                      **U.S Class:** 100, 101, 102

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** 1987    **Use in Commerce:** 1987

---

### Basis Information (Case Level)

---

**Filed Use:** Yes                      **Currently Use:** Yes                      **Amended Use:** No

<b>Filed ITU:</b>	No	<b>Currently ITU:</b>	No	<b>Amended ITU:</b>	No
<b>Filed 44D:</b>	No	<b>Currently 44D:</b>	No	<b>Amended 44D:</b>	No
<b>Filed 44E:</b>	No	<b>Currently 44E:</b>	No	<b>Amended 44E:</b>	No
<b>Filed 66A:</b>	No	<b>Currently 66A:</b>	No		
<b>Filed No Basis:</b>	No	<b>Currently No Basis:</b>	No		

---

### Current Owner(s) Information

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**Owner Name:** Sheltered Wings, Inc.

**Owner Address:** Suite Four  
2120 West Greenview Drive  
Middletown, WISCONSIN 53562  
UNITED STATES

**Legal Entity Type:** CORPORATION      **State or Country Where Organized:** WISCONSIN

---

### Attorney/Correspondence Information

---

#### Attorney of Record

**Attorney Name:** Bennet K. Langlotz      **Docket Number:** VX-T19

#### Correspondent

**Correspondent Name/Address:** Bennet K. Langlotz  
LANGLOTZ PATENT & TRADEMARK WORKS, INC.  
PO BOX 96503 # 37585  
WASHINGTON, DC 20090-6503  
UNITED STATES

**Phone:** 888-852-4246      **Fax:** 888-852-4246

**Correspondent e-mail Authorized:** Yes

**Domestic Representative - Not Found**

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### Prosecution History

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Date	Description	Proceeding Number
Mar. 20, 2012	NOTICE OF ACCEPTANCE OF SEC. 8 & 15 - E-MAILED	

Mar. 20, 2012	REGISTERED - SEC. 8 (6-YR) ACCEPTED & SEC. 15 ACK.	68973
Mar. 19, 2012	CASE ASSIGNED TO POST REGISTRATION PARALEGAL	68973
Feb. 07, 2012	TEAS SECTION 8 & 15 RECEIVED	
Jan. 27, 2012	NOTICE OF SUIT	
Aug. 27, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Sep. 08, 2008	ATTORNEY REVOKED AND/OR APPOINTED	
Sep. 08, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Jan. 02, 2007	REGISTERED-PRINCIPAL REGISTER	
Oct. 17, 2006	PUBLISHED FOR OPPOSITION	
Sep. 27, 2006	NOTICE OF PUBLICATION	
Aug. 18, 2006	LAW OFFICE PUBLICATION REVIEW COMPLETED	76984
Aug. 15, 2006	ASSIGNED TO LIE	76984
Jul. 31, 2006	APPROVED FOR PUB - PRINCIPAL REGISTER	
Jul. 28, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	76984
Jul. 25, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	76984
Jul. 25, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Apr. 27, 2006	FINAL REFUSAL E-MAILED	
Apr. 27, 2006	FINAL REFUSAL WRITTEN	81131
Apr. 19, 2006	TEAS/EMAIL CORRESPONDENCE ENTERED	76984
Apr. 11, 2006	CORRESPONDENCE RECEIVED IN LAW OFFICE	76984
Apr. 11, 2006	TEAS RESPONSE TO OFFICE ACTION RECEIVED	
Mar. 14, 2006	NON-FINAL ACTION E-MAILED	6325
Mar. 14, 2006	NON-FINAL ACTION WRITTEN	81131
Mar. 13, 2006	EXAMINER'S AMENDMENT ENTERED	88888
Mar. 13, 2006	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 13, 2006	EXAMINERS AMENDMENT -WRITTEN	81131
Mar. 12, 2006	ASSIGNED TO EXAMINER	81131
Sep. 01, 2005	NEW APPLICATION ENTERED IN TRAM	

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## **Maintenance Filings or Post Registration Information**

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**Affidavit of Continued Use:** Section 8 - Accepted

**Affidavit of Incontestability:** Section 15 - Accepted

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## **TM Staff and Location Information**

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**Current Location:** TMO LAW OFFICE 113

**Date in Location:** Mar. 20, 2012

**EXHIBIT D  
TO DECLARATION OF  
JACQUELINE M. SCHWARTZ**

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**From:** TMOfficialNotices@USPTO.GOV  
**Sent:** Tuesday, March 20, 2012 11:02 PM  
**To:** trademark@langlotz.com  
**Subject:** Trademark RN 3192083: Official Notice of Acceptance and Acknowledgement under Sections 8 and 15 of the Trademark Act

---

**Serial Number:** 78699411  
**Registration Number:** 3192083  
**Registration Date:** Jan 2, 2007  
**Mark:** EAGLE OPTICS(STYLIZED/DESIGN)  
**Owner:** Sheltered Wings, Inc.

Mar 20, 2012

### **NOTICE OF ACCEPTANCE UNDER SECTION 8**

The declaration of use or excusable nonuse filed for the above-identified registration meets the requirements of Section 8 of the Trademark Act, 15 U.S.C. §1058. **The Section 8 declaration is accepted.**

### **NOTICE OF ACKNOWLEDGEMENT UNDER SECTION 15**

The declaration of incontestability filed for the above-identified registration meets the requirements of Section 15 of the Trademark Act, 15 U.S.C. §1065. **The Section 15 declaration is acknowledged.**

**The registration will remain in force for the class(es) listed below for the remainder of the ten-year period, calculated from the registration date, unless canceled by an order of the Commissioner for Trademarks or a Federal Court.**

**Class(es):**  
009, 035

TRADEMARK SPECIALIST  
POST-REGISTRATION DIVISION  
571-272-9500

---

### **REQUIREMENTS FOR MAINTAINING REGISTRATION**

**WARNING: Your registration will be canceled if you do not file the documents below during the specified time periods.**

#### **Requirements in the First Ten Years**

**What and When to File:** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between the 9th and 10th years after the registration date. See 15 U.S.C. §§1058 and 1059.

#### **Requirements in Successive Ten-Year Periods**

**What and When to File:** You must file a Declaration of Use (or Excusable Nonuse) **and** an Application for Renewal between every 9th and 10th-year period, calculated from the registration date. See 15 U.S.C. §§1058 and 1059.

### **Grace Period Filings**

The above documents will be considered as timely if filed within six months after the deadlines listed above with the payment of an additional fee.

**\*\*\*The USPTO WILL NOT SEND ANY FURTHER NOTICE OR REMINDER OF THESE REQUIREMENTS. THE REGISTRANT SHOULD CONTACT THE USPTO ONE YEAR BEFORE THE EXPIRATION OF THE TIME PERIODS SHOWN ABOVE TO DETERMINE APPROPRIATE REQUIREMENTS AND FEES.\*\*\***

To view this notice and other documents for this application on-line, go to <http://tdr.uspto.gov/search.action?sn=78699411>.

NOTE: This notice will only be available on-line the next business day after receipt of this e-mail.

## Combined Declaration of Use and Incontestability under Sections 8 & 15

The table below presents the data as entered.

Input Field	Entered
<b>REGISTRATION NUMBER</b>	3192083
<b>REGISTRATION DATE</b>	01/02/2007
<b>SERIAL NUMBER</b>	78699411
<b>MARK SECTION</b>	
<b>MARK</b>	EAGLE OPTICS (stylized and/or with design)
<b>ATTORNEY SECTION (current)</b>	
<b>NAME</b>	Bennet Langlotz
<b>FIRM NAME</b>	LANGLOTZ PATENT & TRADEMARK WORKS, INC.
<b>STREET</b>	PO BOX 96503 # 37585
<b>CITY</b>	WASHINGTON
<b>STATE</b>	District of Columbia
<b>POSTAL CODE</b>	20090-6503
<b>COUNTRY</b>	United States
<b>PHONE</b>	877-230-5950
<b>FAX</b>	877-230-5950
<b>EMAIL</b>	trademark@langlotz.com
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes
<b>ATTORNEY SECTION (proposed)</b>	
<b>NAME</b>	Bennet K. Langlotz
<b>FIRM NAME</b>	LANGLOTZ PATENT & TRADEMARK WORKS, INC.
<b>STREET</b>	PO BOX 96503 # 37585

<b>CITY</b>	WASHINGTON
<b>STATE</b>	District of Columbia
<b>POSTAL CODE</b>	20090-6503
<b>COUNTRY</b>	United States
<b>PHONE</b>	888-852-4246
<b>FAX</b>	888-852-4246
<b>EMAIL</b>	trademark@langlotz.com
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes
<b>DOCKET/REFERENCE NUMBER</b>	VX-T19
<b>OTHER APPOINTED ATTORNEY</b>	Angela V. Langlotz
<b>CORRESPONDENCE SECTION (current)</b>	
<b>NAME</b>	BENNET K. LANGLOTZ
<b>FIRM NAME</b>	LANGLOTZ PATENT & TRADEMARK WORKS, INC.
<b>STREET</b>	PO BOX 96503 # 37585
<b>CITY</b>	WASHINGTON
<b>STATE</b>	District of Columbia
<b>POSTAL CODE</b>	20090-6503
<b>COUNTRY</b>	United States
<b>PHONE</b>	877-230-5950
<b>FAX</b>	877-230-5950
<b>EMAIL</b>	trademark@langlotz.com
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes
<b>CORRESPONDENCE SECTION (proposed)</b>	
<b>NAME</b>	BENNET K. LANGLOTZ
<b>FIRM NAME</b>	LANGLOTZ PATENT & TRADEMARK WORKS, INC.
<b>STREET</b>	PO BOX 96503 # 37585
<b>CITY</b>	WASHINGTON
<b>STATE</b>	District of Columbia
<b>POSTAL CODE</b>	20090-6503

<b>COUNTRY</b>	United States
<b>PHONE</b>	888-852-4246
<b>FAX</b>	888-852-4246
<b>EMAIL</b>	trademark@langlotz.com
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	Yes
<b>DOCKET/REFERENCE NUMBER</b>	VX-T19
<b>GOODS AND/OR SERVICES SECTION</b>	
<b>INTERNATIONAL CLASS</b>	009
<b>GOODS OR SERVICES</b>	Binoculars, spotting scopes, telescopes, and storage cases therefor, all for use in birdwatching
<b>SPECIMEN FILE NAME(S)</b>	<a href="\\TICRS\EXPORT11\IMAGEOUT11\786\994\78699411\xml1\ 8150002.JPG">\\TICRS\EXPORT11\IMAGEOUT11\786\994\78699411\xml1\ 8150002.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	Mark as affixed to goods
<b>INTERNATIONAL CLASS</b>	035
<b>GOODS OR SERVICES</b>	Retail store, mail order and online retail store services featuring binoculars, spotting scopes, telescopes, and storage cases therefor, all for use in birdwatching
<b>SPECIMEN FILE NAME(S)</b>	<a href="\\TICRS\EXPORT11\IMAGEOUT11\786\994\78699411\xml1\ 8150003.JPG">\\TICRS\EXPORT11\IMAGEOUT11\786\994\78699411\xml1\ 8150003.JPG</a>
<b>SPECIMEN DESCRIPTION</b>	Website printout
<b>OWNER SECTION (current)</b>	
<b>NAME</b>	Sheltered Wings, Inc.
<b>STREET</b>	Suite Four
<b>CITY</b>	Middletown
<b>STATE</b>	Wisconsin
<b>ZIP/POSTAL CODE</b>	53562
<b>COUNTRY</b>	United States
<b>LEGAL ENTITY SECTION (current)</b>	
<b>TYPE</b>	corporation
<b>STATE/COUNTRY OF INCORPORATION</b>	Wisconsin
<b>PAYMENT SECTION</b>	

<b>NUMBER OF CLASSES</b>	2
<b>NUMBER OF CLASSES PAID</b>	2
<b>SUBTOTAL AMOUNT</b>	600
<b>TOTAL FEE PAID</b>	600
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/bennet k. langlotz/
<b>SIGNATORY'S NAME</b>	Bennet K. Langlotz
<b>SIGNATORY'S POSITION</b>	Attorney of Record, Nevada bar member
<b>DATE SIGNED</b>	02/07/2012
<b>SIGNATORY'S PHONE NUMBER</b>	888-852-4246
<b>PAYMENT METHOD</b>	CC
<b>FILING INFORMATION</b>	
<b>SUBMIT DATE</b>	Tue Feb 07 16:26:55 EST 2012
<b>TEAS STAMP</b>	USPTO/S08N15-66.25.71.170 -20120207162655030884-319 2083-4908aeb1a44185f69fd4 8fd51e552a8563-CC-3472-20 120207161636662439

---

## **Combined Declaration of Use and Incontestability under Sections 8 & 15 To the Commissioner for Trademarks:**

**REGISTRATION NUMBER:** 3192083

**REGISTRATION DATE:** 01/02/2007

**MARK:** (Stylized and/or with Design, EAGLE OPTICS)

The owner, Sheltered Wings, Inc., a corporation of Wisconsin, having an address of  
Suite Four  
Middletown, Wisconsin 53562  
United States

is filing a Combined Declaration of Use and Incontestability under Sections 8 & 15.

For International Class 009, the mark is in use in commerce on or in connection with **all** of the goods or services listed in the existing registration for this specific class: Binoculars, spotting scopes, telescopes, and storage cases therefor, all for use in birdwatching; **and** the mark has been continuously used in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with **all** goods or services listed in the existing registration for this class. Also, no final decision adverse to the owner's claim of ownership of such mark for those goods or services exists, or to the owner's right to register the same or to keep the same on the register; and, no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts exists.

The owner is submitting one specimen for this class showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) Mark as affixed to goods.

[Specimen File 1](#)

For International Class 035, the mark is in use in commerce on or in connection with **all** of the goods or services listed in the existing registration for this specific class: Retail store, mail order and online retail store services featuring binoculars, spotting scopes, telescopes, and storage cases therefor, all for use in birdwatching; **and** the mark has been continuously used in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce on or in connection with **all** goods or services listed in the existing registration for this class. Also, no final decision adverse to the owner's claim of ownership of such mark for those goods or services exists, or to the owner's right to register the same or to keep the same on the register; and, no proceeding involving said rights pending and not disposed of in either the U.S. Patent and Trademark Office or the courts exists. The owner is submitting one specimen for this class showing the mark as used in commerce on or in connection with any item in this class, consisting of a(n) Website printout.

[Specimen File 1](#)

The registrant's current Attorney Information: Bennet Langlotz of LANGLOTZ PATENT & TRADEMARK WORKS, INC.

PO BOX 96503 # 37585

WASHINGTON, District of Columbia (DC) 20090-6503

United States

The registrant's proposed Attorney Information: Bennet K. Langlotz of LANGLOTZ PATENT & TRADEMARK WORKS, INC.

PO BOX 96503 # 37585

WASHINGTON, District of Columbia (DC) 20090-6503

United States

The docket/reference number is VX-T19.

The Other Appointed Attorney(s): Angela V. Langlotz.

The phone number is 888-852-4246.

The fax number is 888-852-4246.

The email address is trademark@langlotz.com.

The registrant's current Correspondence Information: BENNET K. LANGLOTZ of LANGLOTZ PATENT & TRADEMARK WORKS, INC.

PO BOX 96503 # 37585

WASHINGTON, District of Columbia (DC) 20090-6503

United States

The registrant's proposed Correspondence Information: BENNET K. LANGLOTZ of LANGLOTZ PATENT & TRADEMARK WORKS, INC.

PO BOX 96503 # 37585

WASHINGTON, District of Columbia (DC) 20090-6503

United States

The docket/reference number is VX-T19.

The phone number is 888-852-4246.

The fax number is 888-852-4246.

The email address is trademark@langlotz.com.

A fee payment in the amount of \$600 will be submitted with the form, representing payment for 2 class(es), plus any additional grace period fee, if necessary.

### **Declaration**

*The mark is in use in commerce on or in connection with the goods and/or services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce. The mark has been in continuous use in commerce for five (5) consecutive years after the date of registration, or the date of publication under Section 12(c), and is still in use in commerce. There has been no final decision adverse to the owner's claim of ownership of such mark, or to the owner's right to register the same or to keep the same on the register; and there is no proceeding involving said rights pending and not disposed of either in the U.S. Patent and Trademark Office or in the courts.*

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /bennet k. langlotz/    Date: 02/07/2012  
Signatory's Name: Bennet K. Langlotz  
Signatory's Position: Attorney of Record, Nevada bar member  
Signatory's Phone Number: 888-852-4246

Mailing Address (**current**):  
LANGLOTZ PATENT & TRADEMARK WORKS, INC.  
PO BOX 96503 # 37585  
WASHINGTON, District of Columbia 20090-6503

Mailing Address (**proposed**):  
LANGLOTZ PATENT & TRADEMARK WORKS, INC.  
PO BOX 96503 # 37585  
WASHINGTON, District of Columbia 20090-6503

Serial Number: 78699411  
Internet Transmission Date: Tue Feb 07 16:26:55 EST 2012  
TEAS Stamp: USPTO/S08N15-66.25.71.170-20120207162655  
030884-3192083-4908aeb1a44185f69fd48fd51  
e552a8563-CC-3472-20120207161636662439



EAGLE OPTICS  
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10x42  
RGR-4210-ED

Products > Binoculars > Swarovski > Swarovski EL Swarovision 10x50 Binocular

## Swarovski EL Swarovision 10x50 Binocular

BIN-SK-35010



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**SWAROVSKI**

**Our Price: \$2,649.00**  
List Price: \$2,943.33  
You Save: \$294.33 (9%)



**Customer Rating:** ★★★★★ (3 Reviews)  
**Return Policy:** 30 Day Money-Back Guarantee  
**Shipping:** Free Standard Overnight Shipping to the 48 contiguous States  
In stock items usually ship within 24 hours.

**Availability:** In Stock

**New** Save 9% **\$2,649.00** **Add to Cart**

**Demo** Save 15% **\$2,449.99** **Add to Cart**

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### Have Questions?

Call us: 1-800-289-1132  
Email: [info@eagleoptics.com](mailto:info@eagleoptics.com)

**Store Hours:**  
Weekdays: 8:30am - 5:30pm  
Saturday: 10:00am - 2:00pm  
Sunday: Closed

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#### Description

#### Specifications

#### Included

#### Customer Reviews

#### Media



Take a big step on your birding path by joining the [American Birding Association](#)! For a limited time, Eagle Optics makes it even easier and more affordable by giving you a **\$45 annual membership for just \$15!** To add a \$15 membership to your purchase of this binocular, use the coupon code ABAMEMBERSHIP during checkout.



Purchase a **NEW** Swarovski EL 42mm or EL 50mm Swarovision or SLC 42mm HD binocular by June 1, 2012, from Eagle Optics and send your older EL (non-Swarovision) or older SLC-New 10x42 (non-HD) binocular to Swarovski Optik for \$700, \$850, or \$900 back from Swarovski Optik North America! *Dollar amount is dependent on the model sent back. [View details >](#)*

When you find yourself heading up the mountain or out on the plain and nothing but the best will suffice, the revolutionary EL 50mm Swarovision is your choice. Brighter images are a sure bet as the 50mm objective lenses combine with improved coating technology that sets new standards for brilliance and image definition and guarantees optimum contrast in low light situations. Swarovski's new innovations provide virtually even images with razor-sharp clarity. With the well-known EL open-hinge design, the 50mm sits comfortably in the hand and the size is comparable to a pair of 42mm binoculars. The Swarovision comes with the Swarovski limited lifetime warranty.

#### Optical Features

High-density (HD) Glass	Enhances resolution, color, and contrast.
Fully Multi-coated Lenses	Increase light transmission with multiple anti-reflective coatings on all

**ROUTING SHEET TO POST REGISTRATION (PRU)**

**Registration Number:** 3192083



**Serial Number:** 78699411



**RAM Sale Number:** 3472

**RAM Accounting Date:** 20120208

**Total Fees:** \$600

Note: Process in accordance with Post Registration Standard Operating Procedure (SOP)

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Number of Classes Paid</u>	<u>Total Fee</u>
§8 affidavit	7205	20120207	\$100	2	2	\$200
§15 affidavit	7208	20120207	\$200	2	2	\$400

Physical Location: 900 - FILE REPOSITORY (FRANCONIA)

Lost Case Flag: False

In TICRS (AM-FLG-IN-TICRS): True

**Transaction Date:** 20120207





EAGLE OPTICS  
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BINOCULAR

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**RANGER**  
BINOCULAR

EAGLE OPTICS  
**RANGER**  
BINOCULAR

10x42  
RGR-4210-ED

Products > Binoculars > Swarovski > Swarovski EL Swarovision 10x50 Binocular

## Swarovski EL Swarovision 10x50 Binocular

BIN-SK-35010



[Click for Larger View](#)

**SWAROVSKI**

**Our Price: \$2,649.00**  
List Price: \$2,943.33  
You Save: \$294.33 (9%)



**Customer Rating:** ★★★★★ (3 Reviews)  
**Return Policy:** 30 Day Money-Back Guarantee  
**Shipping:** Free Standard Overnight Shipping to the 48 contiguous States  
In stock items usually ship within 24 hours.

**Availability:** In Stock

<b>New</b>	Save 9%	<b>\$2,649.00</b>	<a href="#">Add to Cart</a>
<b>Demo</b>	Save 15%	<b>\$2,449.99</b>	<a href="#">Add to Cart</a>

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Call us: 1-800-289-1132  
Email: [info@eagleoptics.com](mailto:info@eagleoptics.com)

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Saturday: 10:00am - 2:00pm  
Sunday: Closed

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Swarovski EL Swarovision Binoculars



Swarovski Universal Tripod Adapter

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List Price: ~~\$1,129.00~~



Swarovski EL Swarovision 8.5x42 Binocular  
Starts at: \$2,199.99



Swarovski EL Swarovision 10x42

### Description Specifications Included Customer Reviews Media



Take a big step on your birding path by joining the [American Birding Association!](#) For a limited time, Eagle Optics makes it even easier and more affordable by giving you a **\$45 annual membership for just \$15!** To add a \$15 membership to your purchase of this binocular, use the coupon code ABAMEMBERSHIP during checkout.



Purchase a **NEW** Swarovski EL 42mm or EL 50mm Swarovision or SLC 42mm HD binocular by June 1, 2012, from Eagle Optics and send your older EL (non-Swarovision) or older SLC-New 10x42 (non-HD) binocular to Swarovski Optik for \$700, \$850, or \$900 back from Swarovski Optik North America! *Dollar amount is dependent on the model sent back. [View details >](#)*

When you find yourself heading up the mountain or out on the plain and nothing but the best will suffice, the revolutionary EL 50mm Swarovision is your choice. Brighter images are a sure bet as the 50mm objective lenses combine with improved coating technology that sets new standards for brilliance and image definition and guarantees optimum contrast in low light situations. Swarovski's new innovations provide virtually even images with razor-sharp clarity. With the well-known EL open-hinge design, the 50mm sits comfortably in the hand and the size is comparable to a pair of 42mm binoculars. The Swarovision comes with the Swarovski limited lifetime warranty.

#### Optical Features

High-density (HD) Glass	Enhances resolution, color, and contrast.
Fully Multi-coated Lenses	Increase light transmission with multiple anti-reflective coatings on all

AO 120 (Rev. 08/10)

TO: <b>Mail Stop 8</b> <b>Director of the U.S. Patent and Trademark Office</b> <b>P.O. Box 1450</b> <b>Alexandria, VA 22313-1450</b>	<b>REPORT ON THE</b> <b>FILING OR DETERMINATION OF AN</b> <b>ACTION REGARDING A PATENT OR</b> <b>TRADEMARK</b>
---	---

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court \_\_\_\_\_ for the Western District of Wisconsin \_\_\_\_\_ on the following  
 Trademarks or  Patents. (  the patent action involves 35 U.S.C. § 292.):

DOCKET NO. 11-CV-300	DATE FILED 4/25/2011	U.S. DISTRICT COURT for the Western District of Wisconsin
PLAINTIFF Sheltered Wings, Inc.		DEFENDANT Wohali Outdoors, LLC
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		See Attachment A
2		
3		
4		
5		

In the above—entitled case, the following patent(s)/ trademark(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading	
PATENT OR TRADEMARK NO.	DATE OF PATENT OR TRADEMARK	HOLDER OF PATENT OR TRADEMARK
1		<i>Next page</i>
2		
3		
4		
5		

In the above—entitled case, the following decision has been rendered or judgement issued:

DECISION/JUDGEMENT
--------------------

CLERK Peter Oppeneer, Clerk of Court	(BY) DEPUTY CLERK s/Lynn Kamke, Deputy Clerk	DATE 6/29/2011
---	---	-------------------

Copy 1—Upon initiation of action, mail this copy to Director    Copy 3—Upon termination of action, mail this copy to Director  
 Copy 2—Upon filing document adding patent(s), mail this copy to Director    Copy 4—Case file copy

AO\_120 (Rev. 08/10)

**ATTACHMENT A  
TO  
REPORT ON THE FILING OR DETERMINATION OF AN  
ACTION REGARDING A PATENT OR TRADEMARK**

In Compliance with 35 U.S.C. § 290 and/or 15 U.S.C. § 1116 you are hereby advised that a court action has been filed in the U.S. District Court *for the Western District of Wisconsin* on the following:

Trademark

<b>Docket No.:</b> 11-CV-300	<b>Date Filed:</b> 04/25/2011	<b>U.S. District Court:</b> for the Western District of Wisconsin
<b>Plaintiff</b>  Sheltered Wings, Inc.		<b>Defendant</b>  Wohali Outdoors, LLC
<b>Patent or Trademark No.</b>	<b>Date of Patent or Trademark</b>	<b>Holder of Patent or Trademark</b>
1. 3,192,083	01/02/2007	Sheltered Wings, Inc.
2. 2,886,199	09/21/2004	Sheltered Wings, Inc.
3. 3,794,245	05/25/2010	Sheltered Wings, Inc.
4. 3,726,431	12/15/2009	Sheltered Wings, Inc.
5. 3,787,739	05/11/2010	Sheltered Wings, Inc.
6. 3,904,929	01/11/2011	Wohali Outdoors, LLC

## Change Of Correspondence Address

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	78699411
<b>REGISTRATION NUMBER</b>	3192083
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 113
<b>MARK SECTION</b>	
<b>MARK</b>	EAGLE OPTICS (stylized and/or with design)
<b>CORRESPONDENCE SECTION (current)</b>	
<b>ORIGINAL ADDRESS</b>	Bennet Langlotz Langlotz Patent Works, Inc. PO Box 759 Genoa Nevada 89411 United States 877 230 5950 877 230 5950 patent@langlotz.com
<b>NEW CORRESPONDENCE ADDRESS</b>	
<b>NEW ADDRESS</b>	Bennet K. Langlotz Langlotz Patent & Trademark Works, Inc. PO Box 96503 # 37585 Washington District of Columbia United States 20090-6503 877-230-5950 877-230-5950 trademark@langlotz.com
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/bennet k. langlotz/
<b>SIGNATORY NAME</b>	Bennet K. Langlotz
<b>SIGNATORY DATE</b>	08/27/2009
<b>SIGNATORY POSITION</b>	Attorney of Record, District of Columbia bar member
<b>AUTHORIZED SIGNATORY</b>	YES

**FILING INFORMATION SECTION**

<b>SUBMIT DATE</b>	Thu Aug 27 14:55:33 EDT 2009
<b>TEAS STAMP</b>	USPTO/CCA-67.169.220.35-2 0090827145533916825-78340 306-44080bcab8c8f8c3375ea 886c967bcb2f3-N/A-N/A-200 90827145415052957

## Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	78699411
<b>REGISTRATION NUMBER</b>	3192083
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 113
<b>MARK SECTION</b>	
<b>MARK</b>	EAGLE OPTICS (stylized and/or with design)
<b>ATTORNEY SECTION</b>	
<b>ORIGINAL ADDRESS</b>	STEPHEN P. MCNAMARA ST. ONGE STEWARD JOHNSTON & REENS LLC 03584-T0002A 986 BEDFORD STREET STAMFORD, CT 06905-5619 203-327-1096 203-324-6155 tm-pto@ssjr.com
<b>CORRESPONDENCE SECTION</b>	
<b>ORIGINAL ADDRESS</b>	STEPHEN P. MCNAMARA ST. ONGE STEWARD JOHNSTON & REENS LLC 03584-T0002A 986 BEDFORD STREET STAMFORD, CT 06905-5619 203-327-1096 203-324-6155 tm-pto@ssjr.com
<b>NEW ATTORNEY ADDRESS</b>	
<b>STATEMENT TEXT</b>	By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney:
<b>NAME</b>	Bennet Langlotz
<b>FIRM NAME</b>	Langlotz Patent Works, Inc.

<b>STREET</b>	PO Box 759
<b>CITY</b>	Genoa
<b>STATE</b>	Nevada
<b>COUNTRY</b>	United States
<b>POSTAL/ZIP CODE</b>	89411
<b>PHONE</b>	877 230 5950
<b>FAX</b>	877 230 5950
<b>EMAIL</b>	patent@langlotz.com
<b>ATTORNEY AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	YES
<b>NEW CORRESPONDENCE ADDRESS</b>	
<b>NAME</b>	Bennet Langlotz
<b>FIRM NAME</b>	Langlotz Patent Works, Inc.
<b>STREET</b>	PO Box 759
<b>CITY</b>	Genoa
<b>STATE</b>	Nevada
<b>COUNTRY</b>	United States
<b>POSTAL/ZIP CODE</b>	89411
<b>PHONE</b>	877 230 5950
<b>FAX</b>	877 230 5950
<b>EMAIL</b>	patent@langlotz.com
<b>AUTHORIZED TO COMMUNICATE VIA E-MAIL</b>	YES
<b>SIGNATURE SECTION</b>	
<b>SIGNATURE</b>	/Daniel C. Hamilton/
<b>SIGNATORY NAME</b>	Dan Hamilton
<b>SIGNATORY DATE</b>	09/09/2008
<b>SIGNATORY POSITION</b>	President
<b>FILING INFORMATION SECTION</b>	
<b>SUBMIT DATE</b>	Tue Sep 09 09:33:56 EDT 2008
	USPTO/RAA-75.95.97.127-20 080909093356258632-789703

**TEAS STAMP**

20-400aef779694e4b65c208f  
1fca94ae818f-N/A-N/A-2008  
0908181040203694

---

## **Revocation of Attorney/Domestic Representative and/or Appointment of Attorney/Domestic Representative**

To the Commissioner for Trademarks:

**MARK:** EAGLE OPTICS (stylized and/or with design)

**SERIAL NUMBER:** 78699411

**REGISTRATION NUMBER:** 3192083

**The original attorney**

STEPHEN P. MCNAMARA

ST. ONGE STEWARD JOHNSTON & REENS LLC

03584-T0002A

986 BEDFORD STREET

STAMFORD, CT 06905-5619

203-327-1096

203-324-6155

tm-pto@ssjr.com

**Original Correspondence Address :**

STEPHEN P. MCNAMARA

ST. ONGE STEWARD JOHNSTON & REENS LLC

986 BEDFORD STREET

STAMFORD, CT 06905-5619

203-327-1096

203-324-6155

tm-pto@ssjr.com

By submission of this request, the undersigned REVOKES the power of attorney currently of record, as listed above, and hereby APPOINTS the following new attorney:

**Newly Appointed Attorney:**

Bennet Langlotz

Langlotz Patent Works, Inc.

PO Box 759

Genoa, Nevada 89411

United States

877 230 5950

877 230 5950

**The following is to be used as the correspondence address:**

Bennet Langlotz

Langlotz Patent Works, Inc.

PO Box 759

Genoa, Nevada 89411

United States

877 230 5950

877 230 5950

patent@langlotz.com

Signature: /Daniel C. Hamilton/ Date: 09/09/2008

Signatory's Name: Dan Hamilton

Signatory's Position: President

Serial Number: 78699411

Internet Transmission Date: Tue Sep 09 09:33:56 EDT 2008

TEAS Stamp: USPTO/RAA-75.95.97.127-20080909093356258

632-78970320-400aef779694e4b65c208f1fca9

4ae818f-N/A-N/A-20080908181040203694

Int. Cls.: 9 and 35

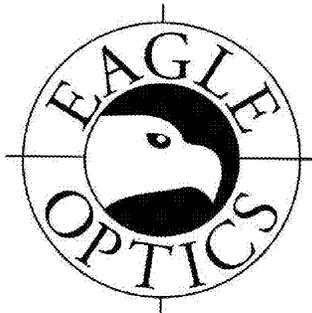
Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101 and 102

Reg. No. 3,192,083

United States Patent and Trademark Office

Registered Jan. 2, 2007

TRADEMARK  
SERVICE MARK  
PRINCIPAL REGISTER



SHELTERED WINGS, INC. (WISCONSIN CORPORATION)  
SUITE FOUR  
2120 WEST GREENVIEW DRIVE  
MIDDLETOWN, WI 53562

FOR: BINOCULARS, SPOTTING SCOPES, TELESCOPES, AND STORAGE CASES THEREFOR, ALL FOR USE IN BIRDWATCHING, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 5-0-2001; IN COMMERCE 12-0-2001.

FOR: RETAIL STORE, MAIL ORDER AND ONLINE RETAIL STORE SERVICES FEATURING BINOCULARS, SPOTTING SCOPES, TELESCOPES,

AND STORAGE CASES THEREFOR, ALL FOR USE IN BIRDWATCHING, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 0-0-1987; IN COMMERCE 0-0-1987.

OWNER OF U.S. REG. NO. 2,886,199.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "OPTICS", APART FROM THE MARK AS SHOWN.

SER. NO. 78-699,411, FILED 8-24-2005.

KRISTIN DAHLING, EXAMINING ATTORNEY

Side - 1



**NOTICE OF PUBLICATION UNDER §12(a)**

**MAILING DATE: Sep 27, 2006**

**PUBLICATION DATE: Oct 17, 2006**

The mark identified below will be published in the Official Gazette on Oct 17, 2006. Any party who believes they will be damaged by registration of the mark may oppose its registration by filing an opposition to registration or a request to extend the time to oppose within thirty (30) days from the publication date on this notice. If no opposition is filed within the time specified by law, the USPTO may issue a Certificate of Registration.

To view the Official Gazette online or to order a paper copy, visit the USPTO website at <http://www.uspto.gov/web/trademarks/tmog/> any time within the five-week period after the date of publication. You may also order a printed version from the U.S. Government Printing Office (GPO) at <http://bookstore.gpo.gov> or 202-512-1800. To check the status of your application, go to <http://tarr.uspto.gov/>.

**SERIAL NUMBER: 78699411**

**MARK: EAGLE OPTICS**

**OWNER: Sheltered Wings, Inc.**

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE  
COMMISSIONER FOR TRADEMARKS  
P.O. BOX 1451  
ALEXANDRIA, VA 22313-1451

FIRST-CLASS  
MAIL  
U.S POSTAGE  
PAID

STEPHEN P MCNAMARA  
ST ONGE STEWARD JOHNSTON & REENS LLC  
986 BEDFORD ST  
STAMFORD, CT 06905-5619

**Trademark Snap Shot Publication Stylesheet**  
(Table presents the data on Publication Approval)

**OVERVIEW**

SERIAL NUMBER	78699411	FILING DATE	08/24/2005
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	DAHLING, KRISTIN M	L.O. ASSIGNED	113

**PUB INFORMATION**

RUN DATE	08/01/2006		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATON		
STATUS DATE	07/31/2006		
LITERAL MARK ELEMENT	EAGLE OPTICS		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	REPub 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

**FILING BASIS**

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	YES	1 (a)	YES	1 (a)	NO
1 (b)	NO	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

**MARK DATA**

STANDARD CHARACTER MARK	NO
LITERAL MARK ELEMENT	EAGLE OPTICS

MARK DRAWING CODE	3-AN ILLUSTRATION DRAWING WHICH INCLUDES WORD(S)/LETTER(S)/NUMBER(S)
COLOR DRAWING FLAG	NO

### CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	Sheltered Wings, Inc.
ADDRESS	Suite Four 2120 West Greenview Drive Middletown, WI 53562
ENTITY	03-CORPORATION
CITIZENSHIP	Wisconsin

### GOODS AND SERVICES

INTERNATIONAL CLASS	009
DESCRIPTION TEXT	Binoculars, spotting scopes, telescopes, and storage cases therefor, all for use in birdwatching
INTERNATIONAL CLASS	035
DESCRIPTION TEXT	Retail store, mail order and online retail store services featuring binoculars, spotting scopes, telescopes, and storage cases therefor, all for use in birdwatching

### GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	009	FIRST USE DATE	05/00/2001	FIRST USE IN COMMERCE DATE	12/00/2001	CLASS STATUS	6-ACTIVE
INTERNATIONAL CLASS	035	FIRST USE DATE	00/00/1987	FIRST USE IN COMMERCE DATE	00/00/1987	CLASS STATUS	6-ACTIVE

### MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
DISCLAIMER W/PREDETER TXT	OPTICS
OWNER OF US REG NOS	2886199

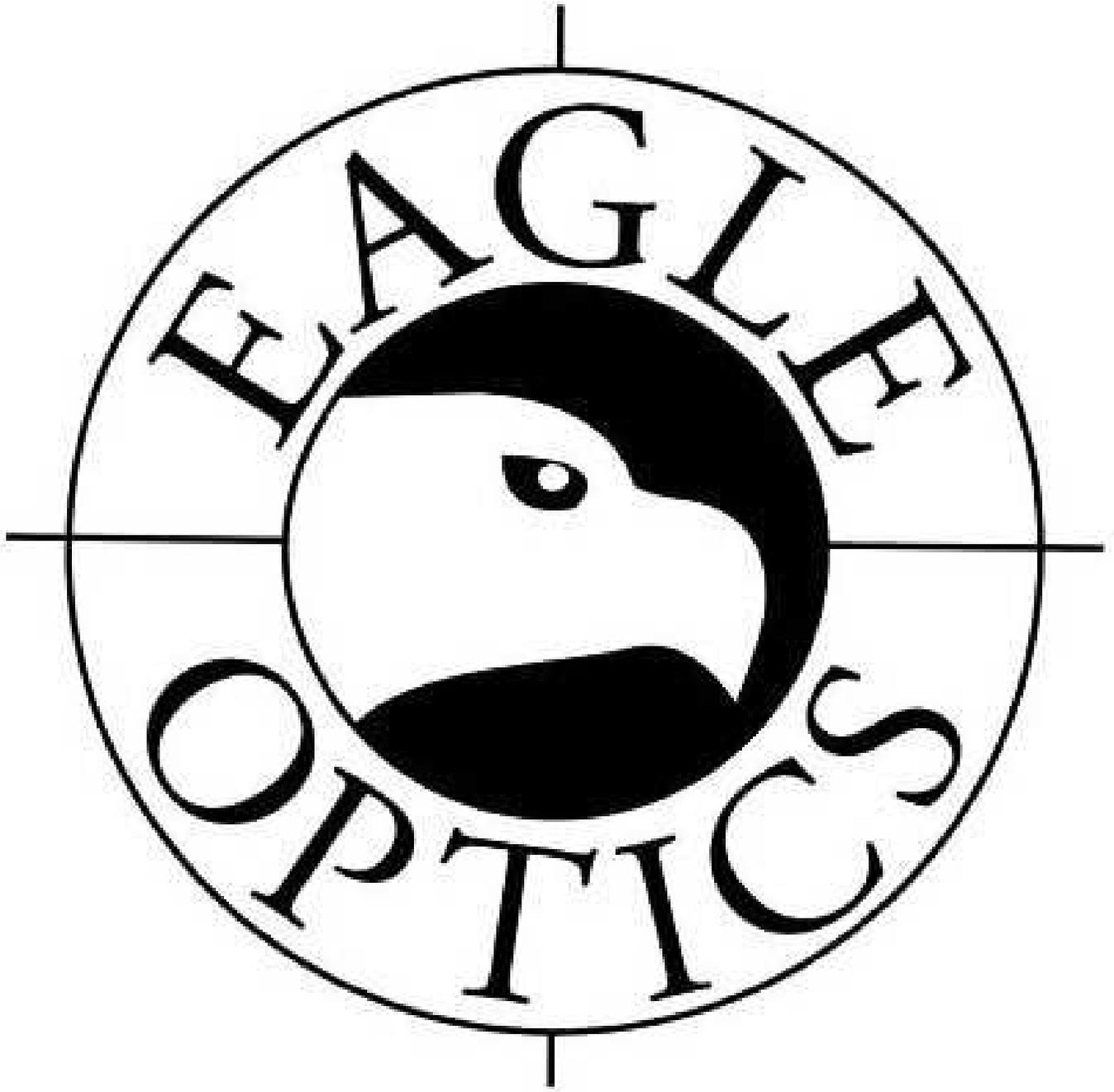
### PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
07/31/2006	CNSA	O	APPROVED FOR PUB - PRINCIPAL REGISTER	016

07/28/2006	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	015
07/25/2006	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	014
07/25/2006	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	013
04/27/2006	GNFR	O	FINAL REFUSAL E-MAILED	012
04/27/2006	CNFR	R	FINAL REFUSAL WRITTEN	011
04/19/2006	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	010
04/11/2006	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	009
04/11/2006	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	008
03/14/2006	GNRT	O	NON-FINAL ACTION E-MAILED	007
03/14/2006	CNRT	R	NON-FINAL ACTION WRITTEN	006
03/13/2006	XAEC	I	EXAMINER'S AMENDMENT ENTERED	005
03/13/2006	GNEA	F	EXAMINERS AMENDMENT E-MAILED	004
03/13/2006	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	003
03/12/2006	DOCK	D	ASSIGNED TO EXAMINER	002
09/01/2005	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

### CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Stephen P. McNamara
CORRESPONDENCE ADDRESS	STEPHEN P. MCNAMARA ST. ONGE STEWARD JOHNSTON & REENS LLC 986 BEDFORD STREET STAMFORD, CT 06905-5619
DOMESTIC REPRESENTATIVE	NONE



## Response to Office Action

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	78699411
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 113
<b>MARK SECTION (no change)</b>	
<b>ARGUMENT(S)</b>	
<p>The Examiner has entered a final office action requesting specimens for Class 35 showing the mark as shown in the drawing. In response, Applicant submits copies of a catalog cover page and a photograph of a store banner, both which show the mark as set forth in the amended drawing filed April 11, 2006. Accordingly, approval of the application for publication is respectfully requested.</p>	
<b>GOODS AND/OR SERVICES SECTION (009)(no change)</b>	
<b>GOODS AND/OR SERVICES SECTION (035)(current)</b>	
INTERNATIONAL CLASS	035
DESCRIPTION	
Retail store, mail order and online retail store services featuring binoculars, spotting scopes, telescopes, and storage cases therefor, all for use in birdwatching	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 00/00/1987
FIRST USE IN COMMERCE DATE	At least as early as 00/00/1987
<b>GOODS AND/OR SERVICES SECTION (035)(proposed)</b>	
INTERNATIONAL CLASS	035
DESCRIPTION	
Retail store, mail order and online retail store services featuring binoculars, spotting scopes, telescopes, and storage cases therefor, all for use in birdwatching	
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 00/00/1987
FIRST USE IN COMMERCE DATE	At least as early as 00/00/1987

STATEMENT TYPE	"The substitute specimen(s) was in use in commerce as of the filing date of the application."
SPECIMEN FILE NAME(S)	<a href="#">\\TICRS\EXPORT4\IMAGEOUT4\786\994\78699411\xml1\RO A0002.JPG</a>
	<a href="#">\\TICRS\EXPORT4\IMAGEOUT4\786\994\78699411\xml1\RO A0003.JPG</a>
SPECIMEN DESCRIPTION	Catalog specimen is a copy of the cover of Applicant's mail order catalog. EO-Banner specimen contains two photographs of a banner located in Applicant's retail store.
<b>SIGNATURE SECTION</b>	
DECLARATION SIGNATURE	/spmcnamara/
SIGNATORY'S NAME	Stephen P. McNamara
SIGNATORY'S POSITION	Attorney for Applicant
DATE SIGNED	07/25/2006
RESPONSE SIGNATURE	/spmcnamara/
SIGNATORY'S NAME	Stephen P. McNamara
SIGNATORY'S POSITION	Attorney for Applicant
DATE SIGNED	07/25/2006
AUTHORIZED SIGNATORY	YES
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Tue Jul 25 10:46:47 EDT 2006
TEAS STAMP	USPTO/ROA-12.170.101.6-20 060725104647611429-786994 11-340431bacbd3fb2b08eae9 170953c7ccf11-N/A-N/A-200 60725103309651855

**Response to Office Action**  
**To the Commissioner for Trademarks:**

Application serial no. **78699411** has been amended as follows:

## **Argument(s)**

In response to the substantive refusal(s), please note the following:

The Examiner has entered a final office action requesting specimens for Class 35 showing the mark as shown in the drawing. In response, Applicant submits copies of a catalog cover page and a photograph of a store banner, both which show the mark as set forth in the amended drawing filed April 11, 2006. Accordingly, approval of the application for publication is respectfully requested.

## **Classification and Listing of Goods/Services**

### **Applicant hereby amends the following class of goods/services in the application as follows:**

Current: Class 035 for Retail store, mail order and online retail store services featuring binoculars, spotting scopes, telescopes, and storage cases therefor, all for use in birdwatching

Original Filing Basis: 1(a).

Proposed: Class 035 for Retail store, mail order and online retail store services featuring binoculars, spotting scopes, telescopes, and storage cases therefor, all for use in birdwatching

Filing Basis: 1(a).

**Section 1(a)**, Use in Commerce: The mark was first used at least as early as 00/00/1987 and first used in commerce at least as early as 00/00/1987, and is now in use in such commerce.

Applicant hereby submits a new specimen for Class 035.

The specimen(s) submitted consists of Catalog specimen is a copy of the cover of Applicant's mail order catalog. EO-Banner specimen contains two photographs of a banner located in Applicant's retail store..

For an application based on 1(a), Use in Commerce, "The substitute specimen(s) was in use in commerce as of the filing date of the application."

[Specimen File 1](#)

[Specimen File 2](#)

## **Declaration Signature**

If the applicant is seeking registration under Section 1(b) and/or Section 44 of the Trademark Act, the applicant had a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services as of the filing date of the application. 37 C.F.R. Secs. 2.34(a)(2)(i); 2.34 (a)(3)(i); and 2.34(a)(4)(ii). If the applicant is seeking registration under Section 1(a) of the Trademark Act, the mark was in use in commerce on or in connection with the goods or services listed in the application as of the application filing date. 37 C.F.R. Secs. 2.34(a)(1)(i). The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; that if the original application was submitted unsigned, that all statements in the original application and this submission made of the declaration signer's knowledge are true; and all

statements in the original application and this submission made on information and belief are believed to be true.

Signature: /spmcmamara/ Date: 07/25/2006

Signatory's Name: Stephen P. McNamara

Signatory's Position: Attorney for Applicant

**Response Signature**

Signature: /spmcmamara/ Date: 07/25/2006

Signatory's Name: Stephen P. McNamara

Signatory's Position: Attorney for Applicant

Serial Number: 78699411

Internet Transmission Date: Tue Jul 25 10:46:47 EDT 2006

TEAS Stamp: USPTO/ROA-12.170.101.6-20060725104647611

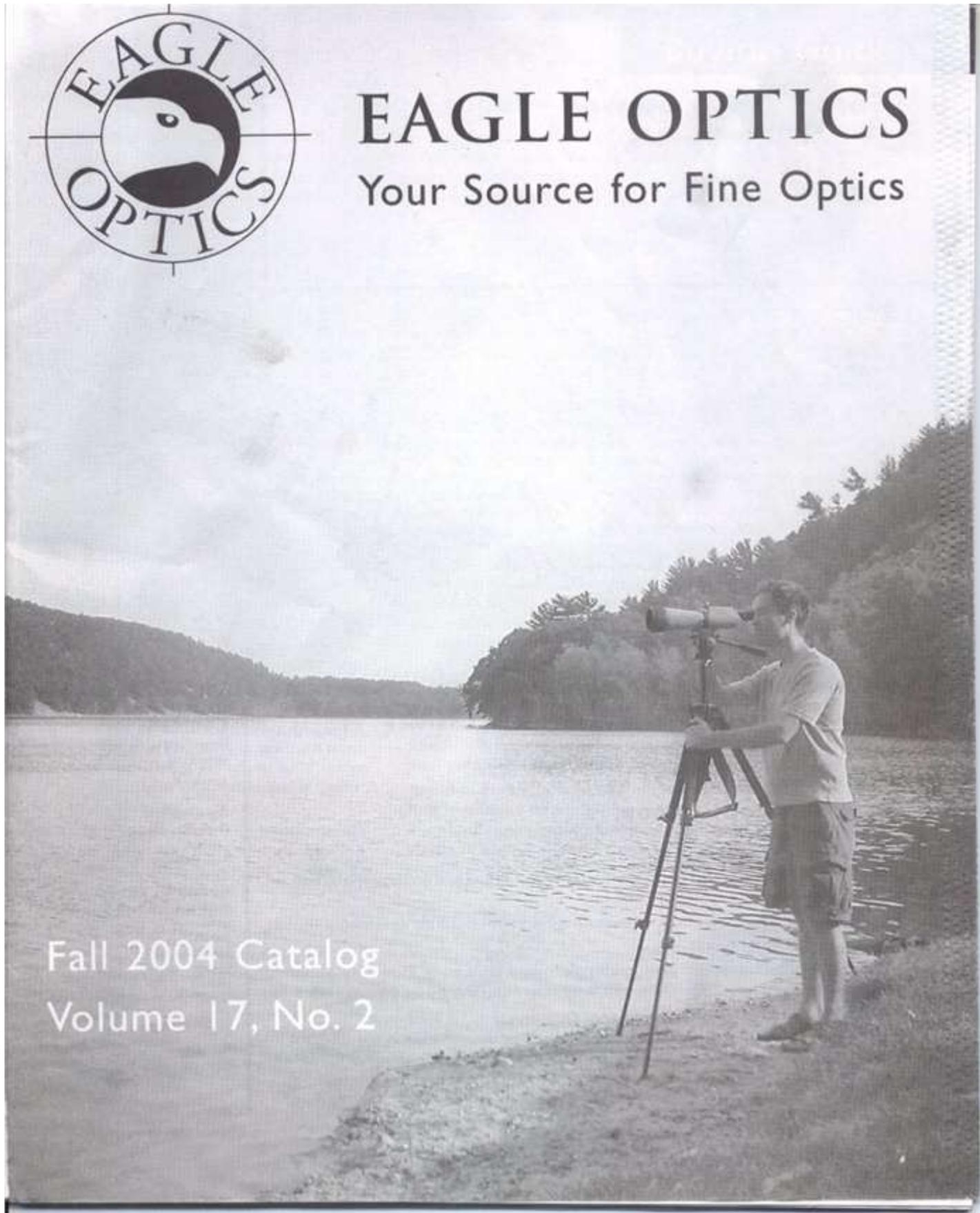
429-78699411-340431bacbd3fb2b08eae917095

3c7ccf11-N/A-N/A-20060725103309651855



# EAGLE OPTICS

Your Source for Fine Optics



Fall 2004 Catalog  
Volume 17, No. 2



Full Banner (above), EO logo close-up (right)





# EAGLE OPTICS

Your Source for Fine Optics



Fall 2004 Catalog  
Volume 17, No. 2



Full Banner (above), EO logo close-up (right)



**To:** Sheltered Wings, Inc. ([tm-pto@ssjr.com](mailto:tm-pto@ssjr.com))  
**Subject:** TRADEMARK APPLICATION NO. 78699411 - EAGLE OPTICS - 03584-T0002A  
**Sent:** 4/27/2006 4:01:21 PM  
**Sent As:** ECOM113@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 78/699411

**APPLICANT:** Sheltered Wings, Inc.

**CORRESPONDENT ADDRESS:**

STEPHEN P. MCNAMARA  
ST. ONGE STEWARD JOHNSTON & REENS LLC  
986 BEDFORD STREET  
STAMFORD, CT 06905-5619

**\*78699411\***

**RETURN ADDRESS:**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**MARK:** EAGLE OPTICS

**CORRESPONDENT'S REFERENCE/DOCKET NO :** 03584-T0002A

**CORRESPONDENT EMAIL ADDRESS:**

[tm-pto@ssjr.com](mailto:tm-pto@ssjr.com)

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

**OFFICE ACTION**

**RESPONSE TIME LIMIT:** TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

**MAILING/E-MAILING DATE INFORMATION:** If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at <http://tarr.uspto.gov/>, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Serial Number 78/699411

This letter responds to applicant's communication filed on April 11, 2006. In this communication,

applicant (1) submitted a new drawing; (2) argued against the requirement for a new matching drawing or specimen.

The amended drawing is acceptable and is made of record. The following requirements are now made FINAL: (1) matching drawing and specimen. 37 C.F.R. §2.64(a).

### **Drawing Does Not Match Specimen – International Class 35**

The mark as depicted on the drawing does not agree with the mark as it appears on the specimens submitted for International Class 35, and clarification is required. 37 C.F.R. §2.51; TMEP §807.12. Specifically, the drawing displays the mark as having vertical lines, which applicant identifies as “crosshair lines,” and the specimen does not display these lines, regardless of how closely one looks at the specimen as it appears in the record. Applicant contends that the lines are in the specimen but that they are easy to overlook. These lines are not visible in the specimen even after enlarging the specimen of record and closely examining it. In an application filed under §1(a) of the Trademark Act, the drawing of the mark must be a substantially exact representation of the mark as used on or in connection with the goods or services, *as shown by the specimen*. 37 C.F.R. §§2.51(a) and 2.72(a)(1); TMEP §807.12(a). The mark as it appears in the drawing is not visible in the specimen, therefore the drawing of the mark is not a substantially exact representation of the mark as shown by the specimen.

Applicant must either:

- (1) submit a new drawing of the mark that agrees with the mark as it appears on the specimen and that is not a material alteration of the original mark; 37 C.F.R. §2.72(a); TMEP §§807.14 *et seq*;
- (2) submit a substitute specimen that shows use of the mark as it presently appears on the drawing and is accompanied by a statement that “the substitute specimen was in use in commerce at least as early as the filing date of the application,” verified with an affidavit or a signed declaration under 37 C.F.R. §2.20; 37 C.F.R. §§2.59(a) and 2.72(a); TMEP §904.09; or
- (3) amend the application basis to intent-to-use under Section 1(b), and satisfy all the requirements for this new basis. TMEP §806.03(c).

Please note that the drawing and specimen must match for each class of goods; therefore, if applicant submits a new drawing, the specimens of record for both International Classes 9 and 35 must match the new drawing.

### **Partial Abandonment Advisory - Proper Response to Final Action**

If applicant does not respond within six months of the mailing date of this final action, then the following classes to which the final requirement applies will be **deleted** from the application: International Class 35.

The application will proceed forward for the remaining classes. 15 U.S.C. §1062(b); 37 C.F.R. §2.65(a).

Applicant may respond to this final action by:

- (1) submitting a response that fully satisfies all outstanding requirements, if feasible (37 C.F.R. §2.64(a)); and/or
- (2) filing an appeal to the Trademark Trial and Appeal Board, with an appeal fee of \$100 per class (37 C.F.R. §§2.6(a)(18) and 2.64(a); TMEP §§715.01 and 1501 *et seq*.; TBMP Chapter 1200).

In certain circumstances, a petition to the Director may be filed to review a final action that is limited to procedural issues, pursuant to 37 C.F.R. §2.63(b)(2). 37 C.F.R. §2.64(a). See 37 C.F.R. §2.146(b), TMEP §1704, and TBMP Chapter 1201.05 for an explanation of petitionable matters. The petition fee is \$100. 37 C.F.R. §2.6(a)(15).

-  
-  
-

/kristindahling/  
Kristin M. Dahling  
Trademark Attorney, Law Office 113  
U.S. Patent and Trademark Office  
(571) 272-8277

**HOW TO RESPOND TO THIS OFFICE ACTION:**

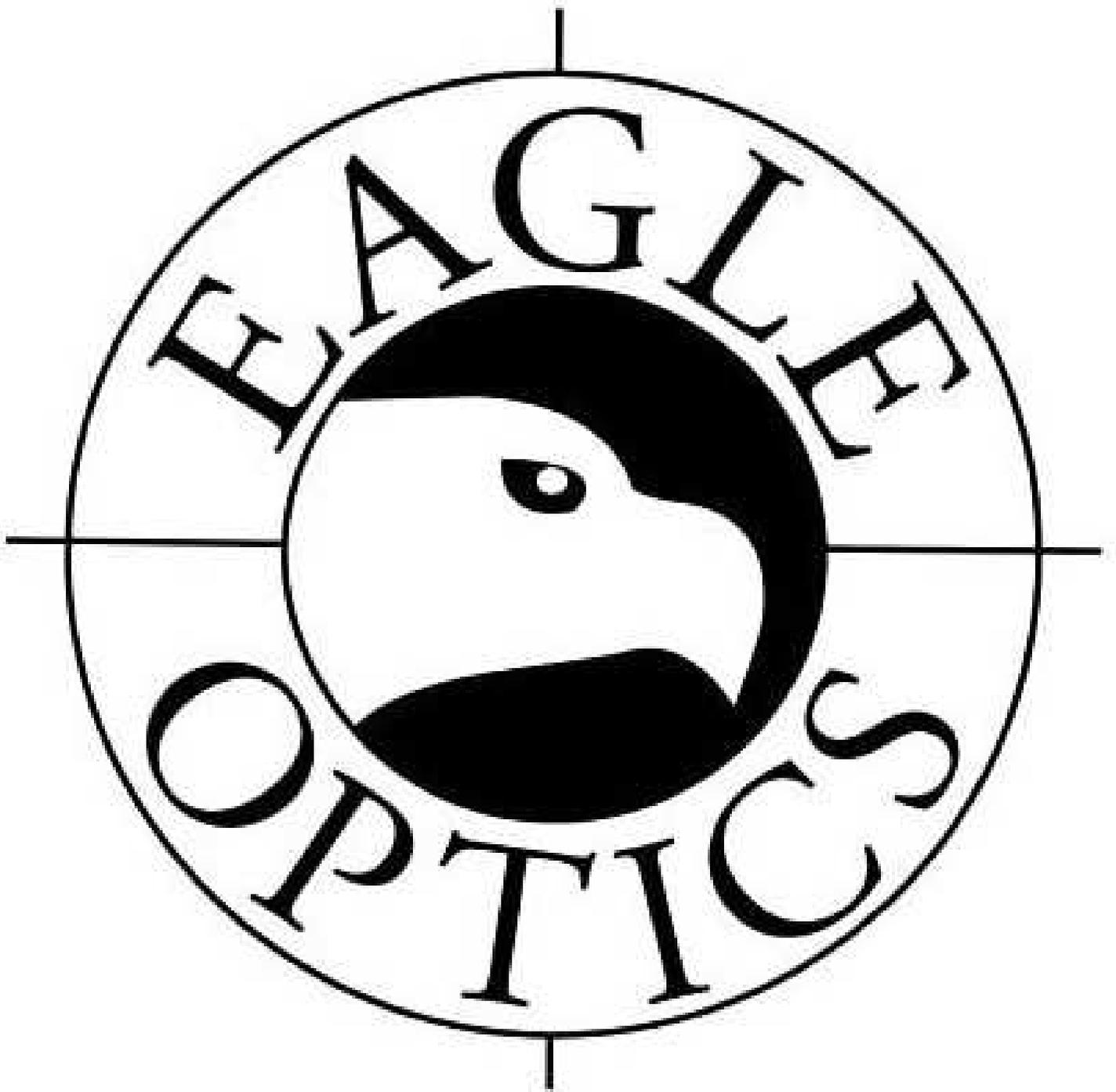
- **ONLINE RESPONSE:** You may respond using the Office’s Trademark Electronic Application System (TEAS) Response to Office action form available on our website at <http://www.uspto.gov/teas/index.html>. If the Office action issued via e-mail, you must wait 72 hours after receipt of the Office action to respond via TEAS. **NOTE: Do not respond by e-mail. THE USPTO WILL NOT ACCEPT AN E-MAILED RESPONSE.**
- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above, and include the serial number, law office number, and examining attorney’s name. **NOTE: The filing date of the response will be the date of receipt in the Office,** not the postmarked date. To ensure your response is timely, use a certificate of mailing. 37 C.F.R. §2.197.

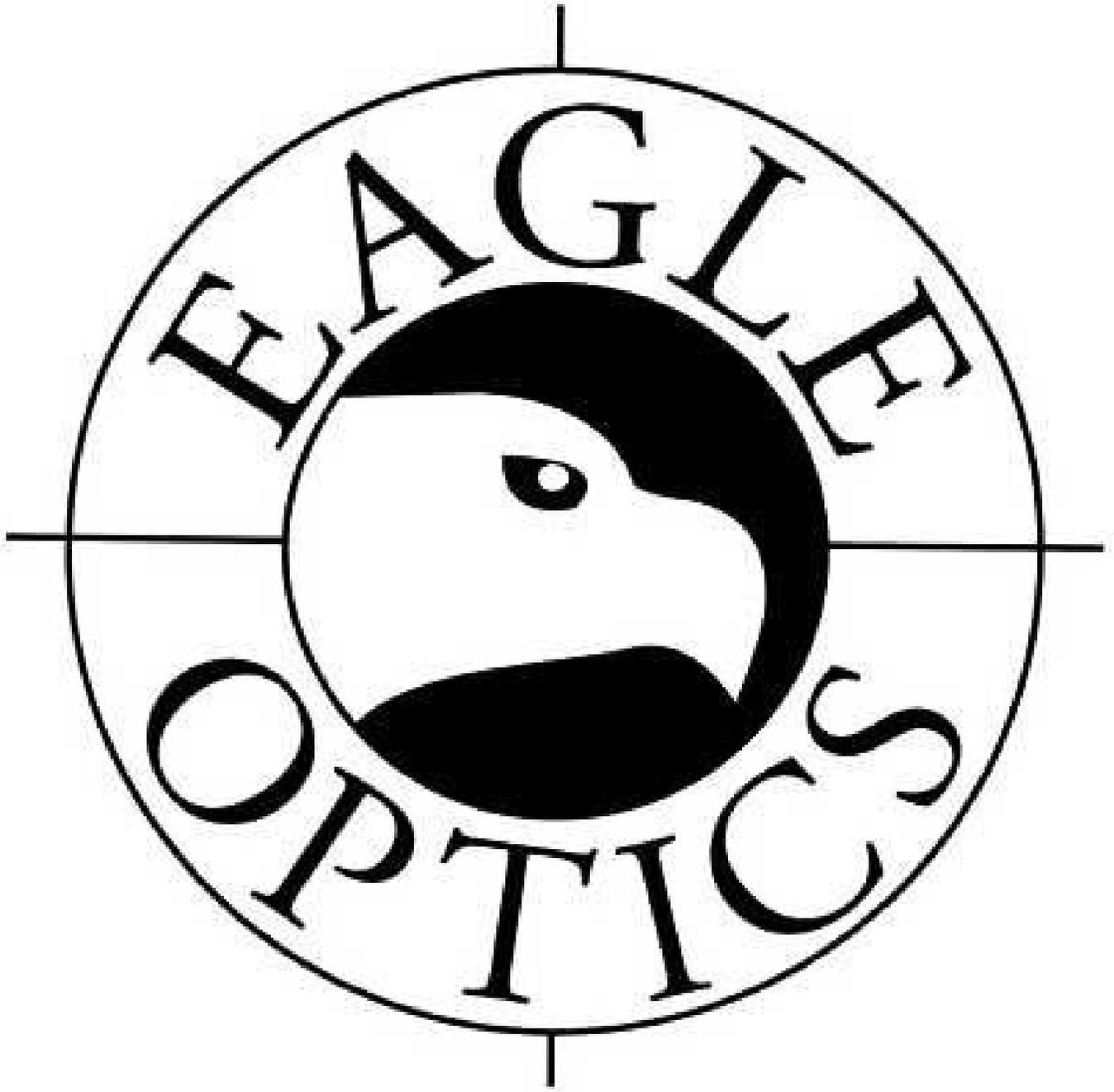
**STATUS OF APPLICATION:** To check the status of your application, visit the Office’s Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov>.

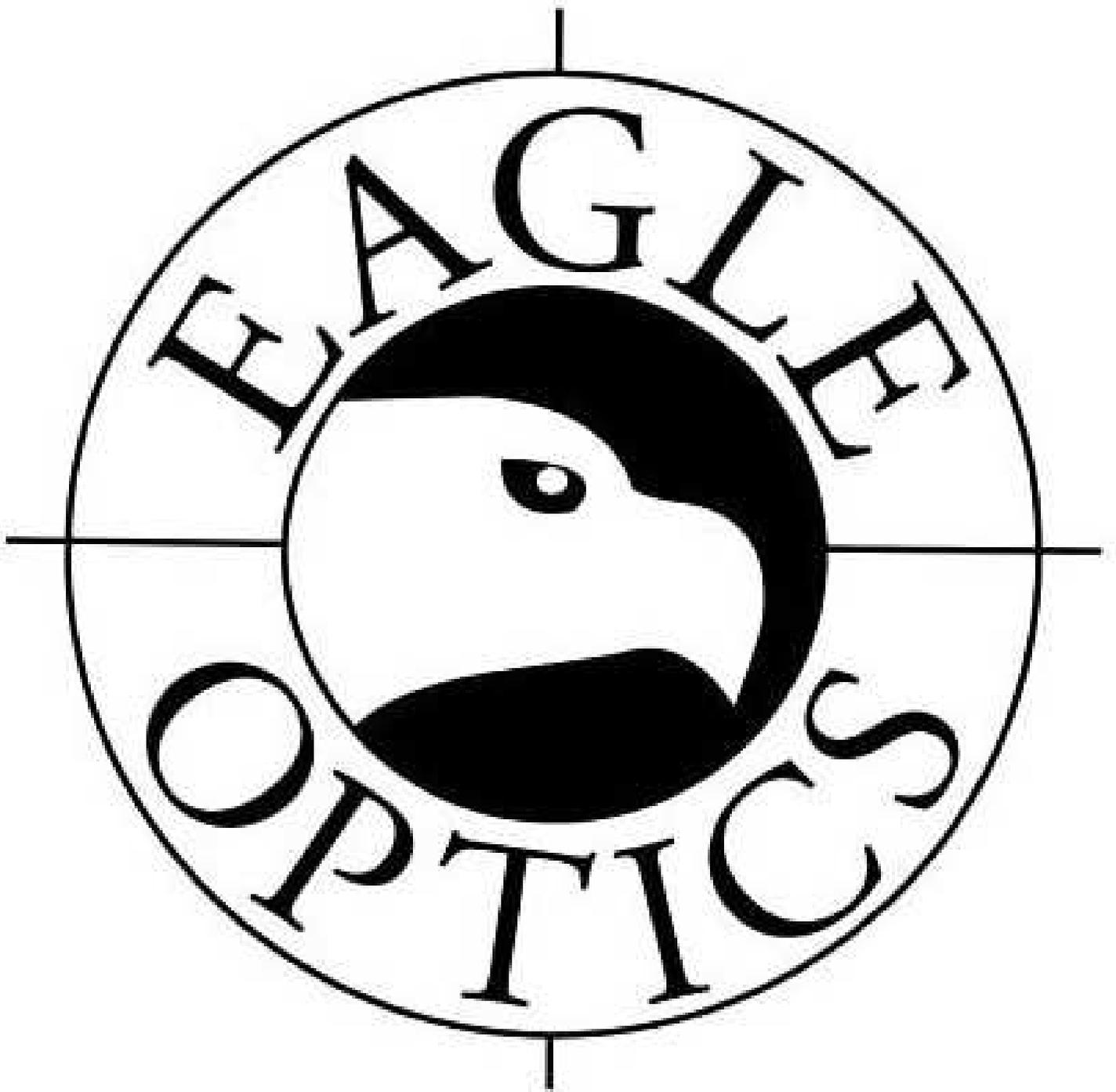
**VIEW APPLICATION DOCUMENTS ONLINE:** Documents in the electronic file for pending applications can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>.

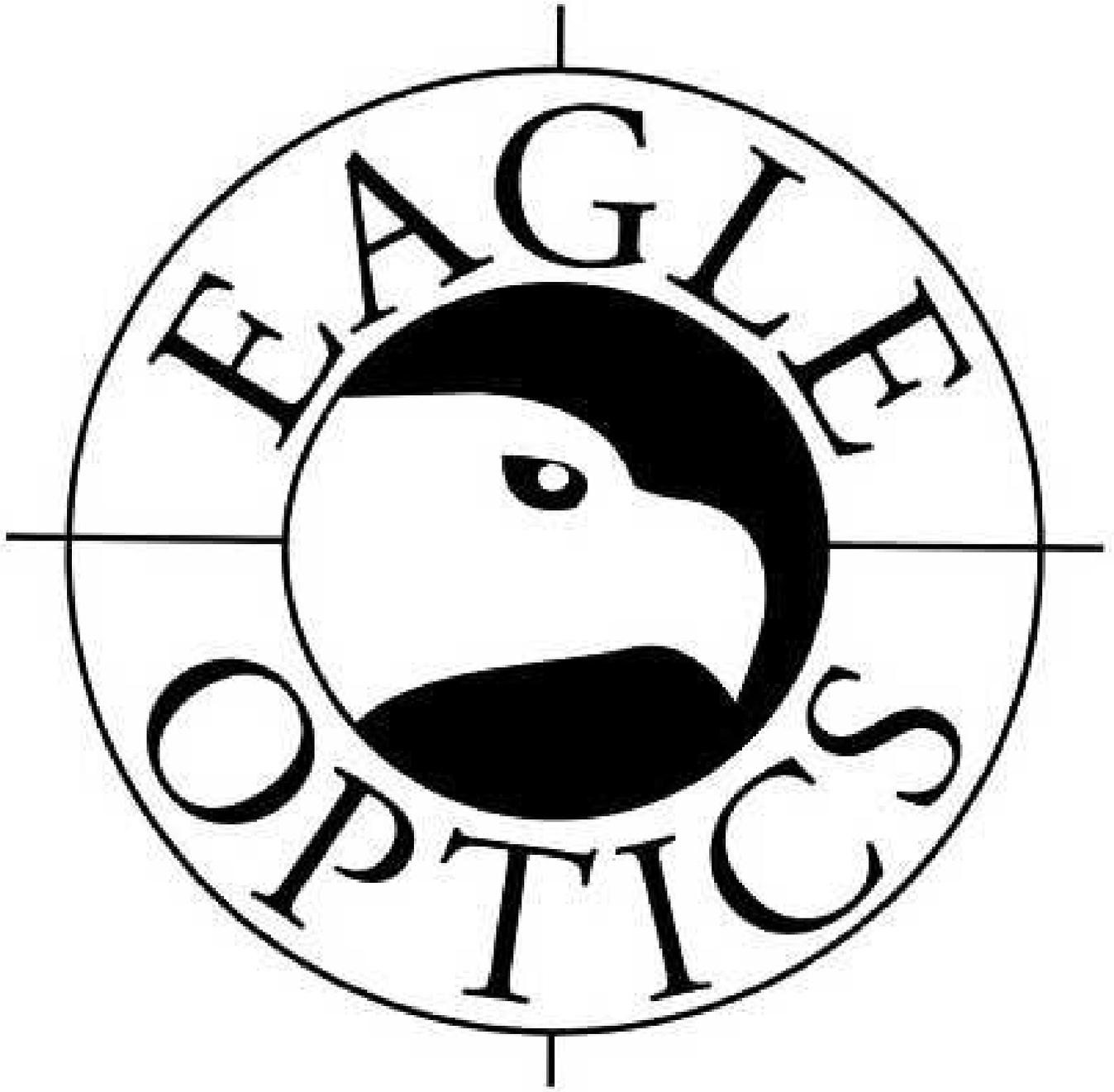
**GENERAL TRADEMARK INFORMATION:** For general information about trademarks, please visit the Office’s website at <http://www.uspto.gov/main/trademarks.htm>

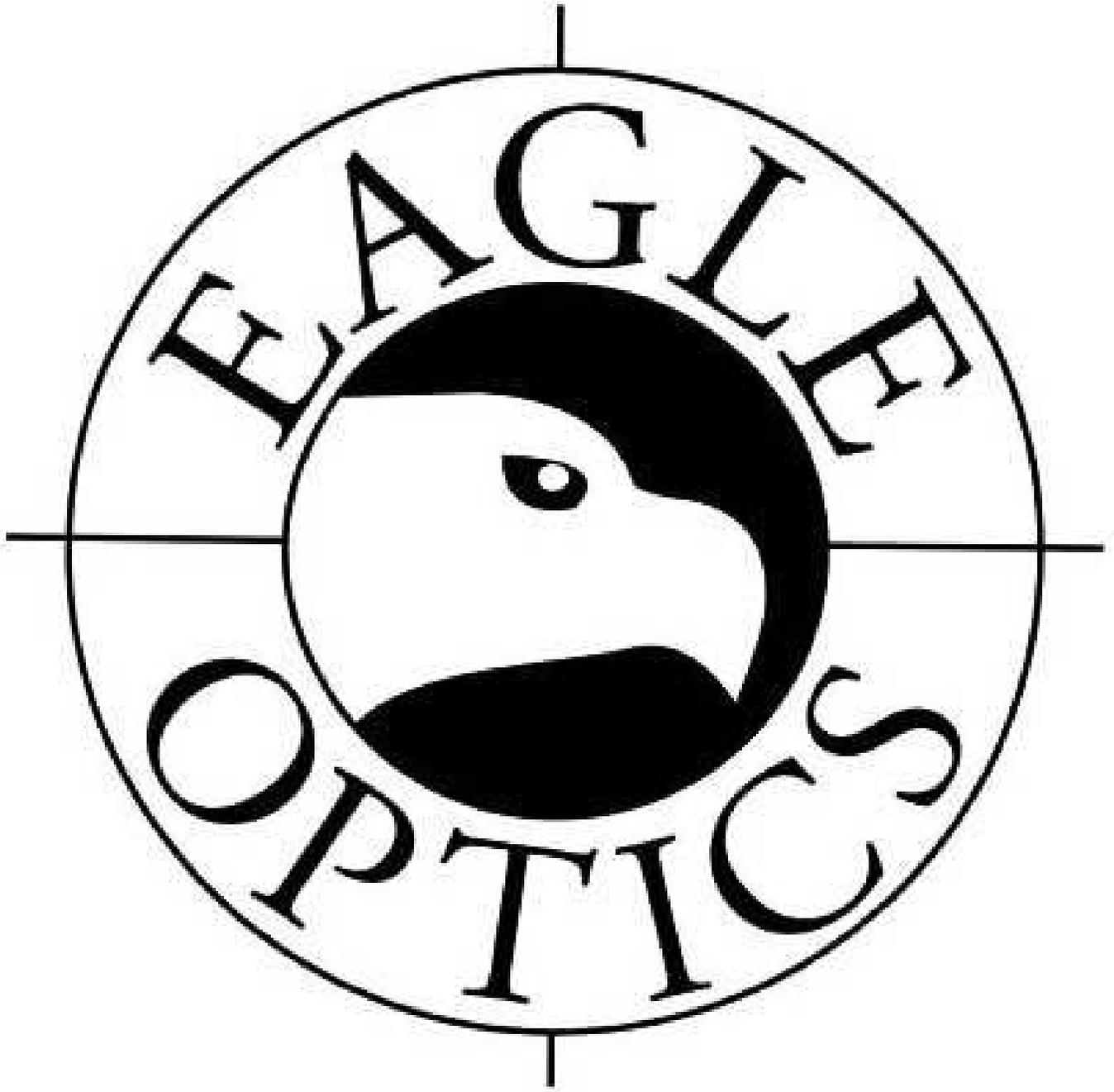
**FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.**











## Response to Office Action

**The table below presents the data as entered.**

Input Field	Entered
<b>SERIAL NUMBER</b>	78699411
<b>LAW OFFICE ASSIGNED</b>	LAW OFFICE 113
<b>MARK SECTION (current)</b>	
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
COLOR MARK	NO
<b>MARK SECTION (proposed)</b>	
MARK FILE NAME	<a href="\\TICRS\EXPORT6\IMAGEOUT6\786\994\78699411\xml5\RO_A0002.JPG">\\TICRS\EXPORT6\IMAGEOUT6\786\994\78699411\xml5\RO_A0002.JPG</a>
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	EAGLE OPTICS
COLOR MARK	NO
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	420 x 573
<b>ARGUMENT(S)</b>	
<p>The Trademark Attorney has requested a new drawing, which is submitted herewith.</p> <p>In addition, the Trademark Attorney has objected to the class 35 specimen as not conforming to the mark shown in the drawing, in particular, as lacking the "crosshair lines" shown in the drawing. With all due respect, Applicant believes that the Class 35 specimen, which is a copy of the Applicant's webpage, does in fact have the illustrated crosshair lines. As the "crosshair lines" in question in the specimen are very fine grey lines it is possible to overlook them as they can blend into the background green of the webpage specimen. However, they can be seen in the JPG specimen originally submitted with the application (copy attached for convenience), and are also reasonably visible in the Trademark Office online PDF copy of the submitted specimen. Accordingly, Applicant requests that the Trademark Attorney reconsider and withdraw the rejection.</p>	
<b>EVIDENCE SECTION</b>	

EVIDENCE FILE NAME	<a href="#">\\TICRS\EXPORT6\IMAGEOUT6\786\994\78699411.xml5\RO A0003.JPG</a>
DESCRIPTION OF EVIDENCE FILE	Copy of Class 35 specimen submitted with application at time of filing.
<b>SIGNATURE SECTION</b>	
RESPONSE SIGNATURE	/spmcnamara/
SIGNATORY NAME	Stephen P. McNamara
SIGNATORY POSITION	Attorney for Applicant
SIGNATURE DATE	04/11/2006
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Tue Apr 11 09:48:48 EDT 2006
TEAS STAMP	USPTO/ROA-12.170.101.6-20 060411094848462384-786994 11-3208a1bb4bfb8956ef6dac 3e9dacabc3e5e-N/A-N/A-200 60411094433473626

## Response to Office Action To the Commissioner for Trademarks:

Application serial no. **78699411** has been amended as follows:

**Mark**

Applicant proposes to amend the mark as follows:

Original: (Stylized and/or with Design)

Proposed: EAGLE OPTICS (Stylized and/or with Design, see [mark](#))

**Argument(s)**

In response to the substantive refusal(s), please note the following:

The Trademark Attorney has requested a new drawing, which is submitted herewith.

In addition, the Trademark Attorney has objected to the class 35 specimen as not conforming to the mark shown in the drawing, in particular, as lacking the "crosshair lines" shown in the drawing. With all due respect, Applicant believes that the Class 35 specimen, which is a copy of the Applicant's webpage, does in fact have the illustrated crosshair lines. As the "crosshair lines" in question in the specimen are very fine grey lines it is possible to overlook them as they can blend into the background green of the webpage

specimen. However, they can be seen in the JPG specimen originally submitted with the application (copy attached for convenience), and are also reasonably visible in the Trademark Office online PDF copy of the submitted specimen. Accordingly, Applicant requests that the Trademark Attorney reconsider and withdraw the rejection.

### **Evidence**

Evidence in the nature of Copy of Class 35 specimen submitted with application at time of filing. has been attached.

[Evidence-1](#)

### **Response Signature**

Signature: /spmnamara/ Date: 04/11/2006

Signatory's Name: Stephen P. McNamara

Signatory's Position: Attorney for Applicant

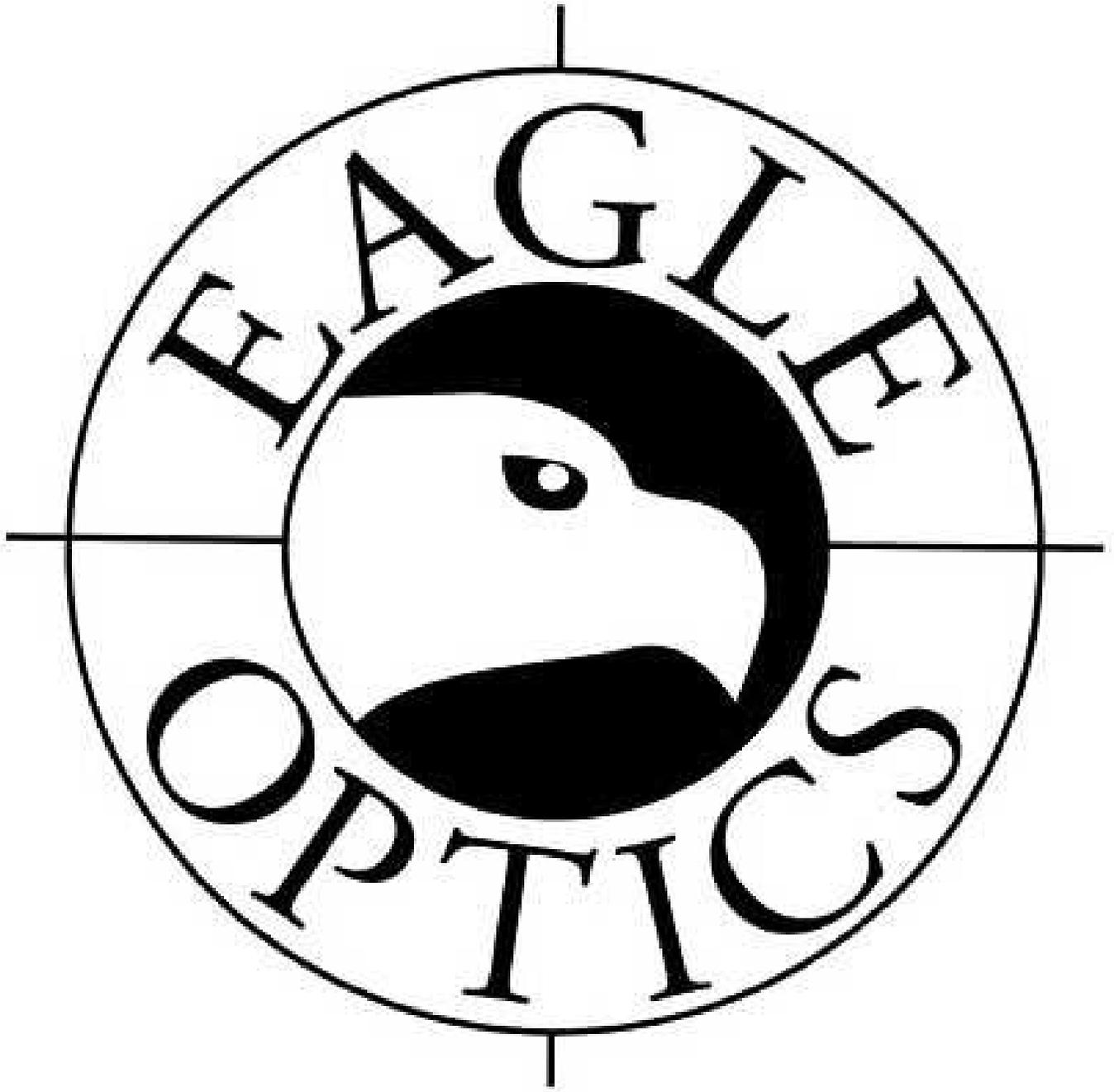
Serial Number: 78699411

Internet Transmission Date: Tue Apr 11 09:48:48 EDT 2006

TEAS Stamp: USPTO/ROA-12.170.101.6-20060411094848462

384-78699411-3208a1bb4bf8956ef6dac3e9da

cabc3e5e-N/A-N/A-20060411094433473626





# EAGLE OPTICS

Shopping Cart

Carefully and Expertly selected Binoculars, Spotting Scopes, Tripods, and Accessories.

Quick Search:



- Buying Guide
- Binoculars
- Digital Binoculars
- Spotting Scopes
- Tripods & Mounts
- Monoculars & Magnifiers
- Rangefinders
- Night Vision
- Telescopes
- Books Etc
- Apparel
- Outdoor Gear
- Microscopes
- Articles
- Product Reviews
- Eagle Optics on Location!
- Eagle Optics: You Deserve It
- Gift Certificates
- Search
- FAQ / Questions
- Shopping Cart



## Eagle Optics Binoculars Denali 7x32

### Binoculars - Specifications:

Field of View	357 ft./1000 yds.
Eye Relief	20 mm
Close Focus	12 ft.
Weight	21.5 oz.
Dimensions (HxW)	5 x 4.9 in.
Weatherproofing	Waterproof/Nitrogen Purged

Denali binoculars would be a tremendous value at TWICE their price. For less than \$100, they give serious observers a potent binocular with unrivaled value.

The Denali 7x32 gives you everything you've always wanted in a binocular -- FOR LESS!

### Special Features:

- Wide field of view

**To:** Sheltered Wings, Inc. ([tm-pto@ssjr.com](mailto:tm-pto@ssjr.com))  
**Subject:** TRADEMARK APPLICATION NO. 78699411 - EAGLE OPTICS - 03584-T0002A  
**Sent:** 3/14/2006 9:22:08 PM  
**Sent As:** ECOM113@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 78/699411

**APPLICANT:** Sheltered Wings, Inc.

**CORRESPONDENT ADDRESS:**

STEPHEN P. MCNAMARA  
ST. ONGE STEWARD JOHNSTON & REENS LLC  
986 BEDFORD STREET  
STAMFORD, CT 06905-5619

**\*78699411\***

**RETURN ADDRESS:**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**MARK:** EAGLE OPTICS

**CORRESPONDENT'S REFERENCE/DOCKET NO :** 03584-T0002A

**CORRESPONDENT EMAIL ADDRESS:**

[tm-pto@ssjr.com](mailto:tm-pto@ssjr.com)

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

**OFFICE ACTION**

**RESPONSE TIME LIMIT:** TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

**MAILING/E-MAILING DATE INFORMATION:** If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at <http://tarr.uspto.gov/>, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Serial Number 78/699411

This letter follows an examiner's amendment sent March 13, 2006. Upon further examination, the

examining attorney has determined that the specimens submitted for International Class 35 and the drawing submitted with the application are unacceptable for the reasons noted below. Applicant must respond to these issues. The examining attorney apologizes for the delay in making these determinations.

### **Drawing**

Applicant must submit a new drawing showing the entire mark clearly and conforming to 37 C.F.R. §§2.52, 2.53(c) and 2.54(e). The current drawing is not acceptable because extra lines appear around the borders of the drawing, and it will not reproduce satisfactorily.

The requirements for a special-form drawing are as follows:

- The drawing must appear in black and white if color is not claimed as a feature of the mark, or in color if color is claimed as a feature of the mark.
- Drawings must be made with a pen or by a process that will provide high definition when copied. A photolithographic, printer's proof copy, or other high quality reproduction of the mark may be used. All lines must be clean, sharp and solid, and must not be fine or crowded.
- The image must be no larger than 3.15 inches (8 cm) high by 3.15 inches (8cm) wide.
- If reduction of the mark to the required size renders any details illegible, then applicant may insert a statement in the application to describe the mark and these details.

37 C.F.R. §§2.52(b); TMEP §§807.04 *et seq.*

If submitted on paper, the Office prefers that the drawing be depicted on a separate sheet of non-shiny, white paper that is 8 to 8.5 inches wide and 11 to 11.69 inches long (20.3 to 21.6 cm. wide and 27.9 to 29.7 cm. long). One of the shorter sides of the sheet should be regarded as its top edge. In addition, the drawing should include the caption "DRAWING PAGE" at the top of the drawing beginning one-inch (2.5 cm) from the top edge. 37 C.F.R. §2.54; TMEP §§807.06 *et seq.*

To submit a special form drawing electronically, applicant must attach a digitized image of the mark to the submission. The digitized image must be in .jpg format, formatted at no less than 300 dots per inch and no more than 350 dots per inch. The Office recommends that the digitized image of the mark have a length and width of no smaller than 250 pixels and no larger than 944 pixels. 37 C.F.R. §2.53(c); TMEP §807.05(c). All lines in the image must be clean, sharp and solid, and not fine or crowded, and produce a high quality image when copied.

The Office strictly enforces these drawing requirements.

### **Mark Differs on Drawing and Specimens – International Class 35**

-  
The mark as depicted on the drawing does not agree with the mark as it appears on the specimens submitted for International Class 35, and clarification is required. 37 C.F.R. §2.51; TMEP §807.12. Specifically, the drawing displays the mark as having vertical lines, which applicant identifies as "crosshair lines," and the specimen does not contain these lines.

Applicant must either:

- (1) submit a new drawing of the mark that agrees with the mark as it appears on the specimen and that is not a material alteration of the original mark; 37 C.F.R. §2.72(a); TMEP §§807.14 *et seq*;
- (2) submit a substitute specimen that shows use of the mark as it presently appears on the drawing and is accompanied by a statement that “the substitute specimen was in use in commerce at least as early as the filing date of the application,” verified with an affidavit or a signed declaration under 37 C.F.R. §2.20; 37 C.F.R. §§2.59(a) and 2.72(a); TMEP §904.09; or
- (3) amend the application basis to intent-to-use under Section 1(b), and satisfy all the requirements for this new basis. TMEP §806.03(c).

Please note that the drawing and specimen must match for each class of goods; therefore, if applicant submits a new drawing, the specimens of record for both International Classes 9 and 35 must match the new drawing.

If applicant has questions about its application or needs assistance in responding to this Office action, please telephone the assigned trademark examining attorney directly at the number below.

/kristindahling/  
Kristin M. Dahling  
Trademark Attorney, Law Office 113  
U.S. Patent and Trademark Office  
(571) 272-8277

#### **HOW TO RESPOND TO THIS OFFICE ACTION:**

- **ONLINE RESPONSE:** You may respond using the Office’s Trademark Electronic Application System (TEAS) Response to Office action form available on our website at <http://www.uspto.gov/teas/index.html>. If the Office action issued via e-mail, you must wait 72 hours after receipt of the Office action to respond via TEAS. **NOTE: Do not respond by e-mail. THE USPTO WILL NOT ACCEPT AN E-MAILED RESPONSE.**
- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above, and include the serial number, law office number, and examining attorney’s name. **NOTE: The filing date of the response will be the date of receipt in the Office,** not the postmarked date. To ensure your response is timely, use a certificate of mailing. 37 C.F.R. §2.197.

**STATUS OF APPLICATION:** To check the status of your application, visit the Office’s Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov>.

**VIEW APPLICATION DOCUMENTS ONLINE:** Documents in the electronic file for pending applications can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>.

**GENERAL TRADEMARK INFORMATION:** For general information about trademarks, please visit the Office's website at <http://www.uspto.gov/main/trademarks.htm>

**FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.**

\*\*\* User:kdahling \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	84	0	84	38	P/0:01	*eagle*[bi,ti] not dead[ld] and "042"[ic]

Session started 3/14/2006 2:30:17 PM

Session finished 3/14/2006 2:32:47 PM

Total search duration 0 minutes 1 seconds

Session duration 2 minutes 30 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 78699411

**To:** Sheltered Wings, Inc. ([tm-pto@ssjr.com](mailto:tm-pto@ssjr.com))  
**Subject:** TRADEMARK APPLICATION NO. 78699411 - EAGLE OPTICS - 03584-T0002A  
**Sent:** 3/13/2006 3:05:13 PM  
**Sent As:** ECOM113@USPTO.GOV  
**Attachments:**

**UNITED STATES PATENT AND TRADEMARK OFFICE**

**SERIAL NO:** 78/699411

**APPLICANT:** Sheltered Wings, Inc.

**\*78699411\***

**CORRESPONDENT ADDRESS:**

STEPHEN P. MCNAMARA  
ST. ONGE STEWARD JOHNSTON & REENS LLC  
986 BEDFORD STREET  
STAMFORD, CT 06905-5619

**RETURN ADDRESS:**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

If no fees are enclosed, the address should include the words "Box Responses - No Fee."

**MARK:** EAGLE OPTICS

**CORRESPONDENT'S REFERENCE/DOCKET NO :** 03584-T0002A

**CORRESPONDENT EMAIL ADDRESS:**

[tm-pto@ssjr.com](mailto:tm-pto@ssjr.com)

Please provide in all correspondence:

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and email address.

Serial Number 78/699411

**EXAMINER'S AMENDMENT**

**OFFICE RECORDS SEARCH:** The Office records have been searched and no similar registered or pending mark has been found that would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

**ADVISORY – AMENDMENTS TO GOODS/SERVICES:** If the identification of goods and/or services has been amended below, any future amendments must be in accordance with 37 C.F.R. §2.71(a)

and TMEP §1402.07(e).

**AMENDMENT(S) AUTHORIZED:** As authorized by Stephen P. McNamara on March 13, 2006, the application is amended as noted below. *If applicant disagrees with or objects to any of the amendments below, please notify the undersigned trademark examining attorney immediately.* Otherwise, no response is necessary. TMEP §707.

**Identification of Goods and Services**

The identification of goods and services is amended to read as follows. TMEP §1402.01(e).

Binoculars, spotting scopes, telescopes, and storage cases therefor, all for use in birdwatching, in International Class 9.

Retail store, mail order and online retail store services featuring binoculars, spotting scopes, telescopes, and storage cases therefor, all for use in birdwatching, in International Class 35.

**Disclaimer**

-  
The following disclaimer statement is added to the record:

No claim is made to the exclusive right to use “OPTICS” apart from the mark as shown.

15 U.S.C. §1056; TMEP §§1213, 1213.03(a) and 1213.08(a)(i).

**Claim of Ownership**

The following claim of ownership is added to the record:

Applicant is the owner of U.S. Registration Nos. 2886199.

37 C.F.R. §2.36; TMEP §812.

**Description of Mark**

-  
Applicant’s description of the mark will not be printed on any registration that may issue from this application. TMEP §808.03. The description is unnecessary because the mark is composed of easily recognized letters, numerals, designs, or figurative elements. TMEP §§808.01(a) and 808.01(b).

-  
-  
-

/kristindahling/  
Kristin M. Dahling  
Trademark Attorney, Law Office 113  
U.S. Patent and Trademark Office

(571) 272-8277

\*\*\* User:kdahling \*\*\*

#	Total Marks	Dead Marks	Live Viewed Docs	Live Viewed Images	Status/ Search Duration	Search
01	1	0	1	1	P/0:01	78699411
02	3713	N/A	0	0	P/0:04	*e{v0:1}g\$11*[bi,ti] not dead[ld]
03	1496	N/A	0	0	P/0:01	*pt{"iy"}{"ckqx"}*[bi,ti] not dead[ld]
04	8	0	8	7	P/0:01	2 and 3
05	1423	N/A	0	0	P/0:01	*eagle*[bi,ti] not dead[ld] not 4
06	317	N/A	0	0	P/0:01	*optics*[bi,ti] not dead[ld] not 4
07	0	0	0	0	P/0:01	5 and 6
08	986	0	3	986	P/0:03	031716[dc] not dead[ld]
09	1	0	1	1	P/0:01	4 and 8
10	2818	N/A	0	0	P/0:03	031501[dc] not dead[ld]
11	986	N/A	0	0	P/0:03	031716[dc] not dead[ld]
12	6028	N/A	0	0	P/0:03	260108[dc] not dead[ld]
13	9563	N/A	0	0	P/0:03	260117[dc] not dead[ld]
14	42094	N/A	0	0	P/0:03	260121[dc] not dead[ld]
15	433	N/A	0	0	P/0:01	(12 13 14) and (10 2 3) not 8
16	214	N/A	0	0	P/0:01	10 and (2 3) not 8
17	630	0	2	630	P/0:01	15 16
18	646	N/A	0	0	P/0:01	5 and ("009" "035")[cc] not (4 8 17)
19	268	0	268	93	P/0:02	5 and ("009" "035" a b 200)[ic] not (4 8 17)

Session started 3/12/2006 1:55:59 PM

Session finished 3/12/2006 2:51:25 PM

Total search duration 0 minutes 35 seconds

Session duration 55 minutes 26 seconds

Default NEAR limit=1ADJ limit=1

Sent to TICRS as Serial Number: 78699411

# Trademark/Service Mark Application, Principal Register

**Serial Number: 78699411**  
**Filing Date: 08/24/2005**

**The table below presents the data as entered.**

Input Field	Entered
<b>MARK SECTION</b>	
MARK FILE NAME	<a href="\\TICRS\EXPORT9\IMAGEOUT9\786\994\78699411\xml1\AP P0002.JPG">\\TICRS\EXPORT9\IMAGEOUT9\786\994\78699411\xml1\AP P0002.JPG</a>
STANDARD CHARACTERS	NO
USPTO-GENERATED IMAGE	NO
LITERAL ELEMENT	EAGLE OPTICS
COLOR MARK	NO
DESCRIPTION OF THE MARK (and Color Location, if applicable)	The mark consists of a stylized eagle head in profile positioned in a round background and the words "Eagle" and "Optics" located above and below the round background and curved to follow the edge of the round background and enclosed by an outer circle with top and bottom crosshair lines extending away from the outer circle and left and right crosshair lines extending from the round background across and extending from the outer circle.
PIXEL COUNT ACCEPTABLE	YES
PIXEL COUNT	420 x 573
<b>OWNER SECTION</b>	
NAME	Sheltered Wings, Inc.
INTERNAL ADDRESS	Suite Four
STREET	2120 West Greenview Drive
CITY	Middletown
STATE	Wisconsin
ZIP/POSTAL CODE	53562

COUNTRY	United States
AUTHORIZED EMAIL COMMUNICATION	No
<b>LEGAL ENTITY SECTION</b>	
TYPE	CORPORATION
STATE/COUNTRY OF INCORPORATION	Wisconsin
<b>GOODS AND/OR SERVICES SECTION</b>	
INTERNATIONAL CLASS	009
DESCRIPTION	BINOCULARS, SPOTTING SCOPES, AND TELESCOPES, ALL FOR USE IN BIRDWATCHING, AND STORAGE CASES THEREFOR
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 05/00/2001
FIRST USE IN COMMERCE DATE	At least as early as 12/00/2001
SPECIMEN FILE NAME(S)	<a href="file:///TICRS/EXPORT9/IMAGEOUT9/786/994/78699411/xml1/AP P0003.JPG">\\TICRS\EXPORT9\IMAGEOUT9\786\994\78699411\xml1\AP P0003.JPG</a>
	<a href="file:///TICRS/EXPORT9/IMAGEOUT9/786/994/78699411/xml1/AP P0004.JPG">\\TICRS\EXPORT9\IMAGEOUT9\786\994\78699411\xml1\AP P0004.JPG</a>
SPECIMEN DESCRIPTION	scanned images of packaging
<b>GOODS AND/OR SERVICES SECTION</b>	
INTERNATIONAL CLASS	035
DESCRIPTION	RETAIL STORE, MAIL ORDER AND ONLINE STORE SALES SERVICES IN THE FIELD OF BINOCULARS, SPOTTING SCOPES, AND TELESCOPES, ALL FOR USE IN BIRDWATCHING, AND STORAGE CASES THEREFOR
FILING BASIS	Section 1(a)
FIRST USE ANYWHERE DATE	At least as early as 00/00/1987
FIRST USE IN COMMERCE DATE	At least as early as 00/00/1987
SPECIMEN FILE NAME(S)	<a href="file:///TICRS/EXPORT9/IMAGEOUT9/786/994/78699411/xml1/AP P0005.JPG">\\TICRS\EXPORT9\IMAGEOUT9\786\994\78699411\xml1\AP P0005.JPG</a>
SPECIMEN DESCRIPTION	screenshot of website
<b>SIGNATURE SECTION</b>	

SIGNATORY FILE	<a href="\\TICRS\EXPORT9\IMAGEOUT9\786\994\78699411\xml1\AP P0006.JPG">\\TICRS\EXPORT9\IMAGEOUT9\786\994\78699411\xml1\AP P0006.JPG</a>
SIGNATORY NAME	Daniel C. Hamilton
SIGNATORY POSITION	President
<b>PAYMENT SECTION</b>	
NUMBER OF CLASSES	2
NUMBER OF CLASSES PAID	2
SUBTOTAL AMOUNT	650
TOTAL AMOUNT	650
<b>ATTORNEY</b>	
NAME	Stephen P. McNamara
FIRM NAME	St. Onge Steward Johnston & Reens LLC
STREET	986 Bedford Street
CITY	Stamford
STATE	Connecticut
ZIP/POSTAL CODE	06905-5619
COUNTRY	United States
PHONE	203-324-6155
FAX	203-327-1096
EMAIL	tm-pto@ssjr.com
AUTHORIZED EMAIL COMMUNICATION	Yes
ATTORNEY DOCKET NUMBER	03584-T0002A
OTHER APPOINTED ATTORNEY(S)	Andy I. Corea, Eileen C. DeVries, Gene S. Winter, Wesley W. Whitmyer, Jr., Stanley H. Lieberstein, Richard J. Basile, Todd M. Oberdick, David Chen, Michael W. Krenicky, Steven B. Simonis, David W. Aldrich, Hyun Jong Park, Helen M. Limoncelli and James P. Jeffry
<b>CORRESPONDENCE SECTION</b>	
NAME	Stephen P. McNamara
FIRM NAME	St. Onge Steward Johnston & Reens LLC
STREET	986 Bedford Street

CITY	Stamford
STATE	Connecticut
ZIP/POSTAL CODE	06905-5619
COUNTRY	United States
PHONE	203-324-6155
FAX	203-327-1096
EMAIL	tm-pto@ssjr.com
AUTHORIZED EMAIL COMMUNICATION	Yes
<b>FILING INFORMATION</b>	
SUBMIT DATE	Wed Aug 24 14:44:24 EDT 2005
TEAS STAMP	USPTO/BAS-12119244218-200 50824144424477370-7869941 1-2004620b6ce24acb86ada03 92a5d1e8bf7-CC-28-2005082 4142714453818

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## Trademark/Service Mark Application, Principal Register

**Serial Number: 78699411**

**Filing Date: 08/24/2005**

### To the Commissioner for Trademarks:

**MARK:** EAGLE OPTICS (stylized and/or with design, see [mark](#))

The literal element of the mark consists of EAGLE OPTICS.

The mark consists of a stylized eagle head in profile positioned in a round background and the words "Eagle" and "Optics" located above and below the round background and curved to follow the edge of the round background and enclosed by an outer circle with top and bottom crosshair lines extending away from the outer circle and left and right crosshair lines extending from the round background across and extending from the outer circle.

The applicant, Sheltered Wings, Inc., a corporation of Wisconsin, residing at Suite Four, 2120 West Greenview Drive, Middletown, Wisconsin, United States, 53562, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

The applicant, or the applicant's related company or licensee, is using the mark in commerce, and lists below the dates of use by the applicant, or the applicant's related company, licensee, or predecessor in interest, of the mark on or in connection with the identified goods and/or services. 15 U.S.C. Section 1051(a), as amended.

International Class 009: BINOCULARS, SPOTTING SCOPES, AND TELESCOPES, ALL FOR USE IN BIRDWATCHING, AND STORAGE CASES THEREFOR

International Class 035: RETAIL STORE, MAIL ORDER AND ONLINE STORE SALES SERVICES IN THE FIELD OF BINOCULARS, SPOTTING SCOPES, AND TELESCOPES, ALL FOR USE IN BIRDWATCHING, AND STORAGE CASES THEREFOR

In International Class 009, the mark was first used at least as early as 05/00/2001, and first used in commerce at least as early as 12/00/2001, and is now in use in such commerce. The applicant is submitting or will submit one specimen for *each class* showing the mark as used in commerce on or in connection with any item in the class of listed goods and/or services, consisting of a(n) scanned images of packaging.

[Specimen - 1](#)

[Specimen - 2](#)

In International Class 035, the mark was first used at least as early as 00/00/1987, and first used in commerce at least as early as 00/00/1987, and is now in use in such commerce. The applicant is submitting or will submit one specimen for *each class* showing the mark as used in commerce on or in

connection with any item in the class of listed goods and/or services, consisting of a(n) screenshot of website.

[Specimen - 1](#)

The applicant hereby appoints Stephen P. McNamara and Andy I. Corea, Eileen C. DeVries, Gene S. Winter, Wesley W. Whitmyer, Jr., Stanley H. Lieberstein, Richard J. Basile, Todd M. Oberdick, David Chen, Michael W. Krenicky, Steven B. Simonis, David W. Aldrich, Hyun Jong Park, Helen M. Limoncelli and James P. Jeffry of St. Onge Steward Johnston & Reens LLC, 986 Bedford Street, Stamford, Connecticut, United States, 06905-5619 to submit this application on behalf of the applicant. The attorney docket/reference number is 03584-T0002A.

The USPTO is authorized to communicate with the applicant or its representative at the following email address: tm-pto@ssjr.com.

A fee payment in the amount of \$650 will be submitted with the application, representing payment for 2 class(es).

**Declaration**

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature:

Signatory's Name: Daniel C. Hamilton

Signatory's Position: President

Signatory's Signature: [Signature](#)

Mailing Address:

Stephen P. McNamara  
986 Bedford Street  
Stamford, Connecticut 06905-5619

RAM Sale Number: 28

RAM Accounting Date: 08/25/2005

Serial Number: 78699411

Internet Transmission Date: Wed Aug 24 14:44:24 EDT 2005

TEAS Stamp: USPTO/BAS-12119244218-200508241444244773

70-78699411-2004620b6ce24acb86ada0392a5d

1e8bf7-CC-28-20050824142714453818



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<input checked="" type="checkbox"/>	8x25 TFH-0825
<input type="checkbox"/>	10x25 TFH-1025



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- FAQ / Questions
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## Eagle Optics Binoculars Denali 7x32

### Binoculars - Specifications:

Field of View	357 ft./1000 yds.
Eye Relief	20 mm
Close Focus	12 ft.
Weight	21.5 oz.
Dimensions (HxW)	5 x 4.9 in.
Weatherproofing	Waterproof/Nitrogen Purged

Denali binoculars would be a tremendous value at TWICE their price. For less than \$100, they give serious observers a potent binocular with unrivaled value.

The Denali 7x32 gives you everything you've always wanted in a binocular -- FOR LESS!

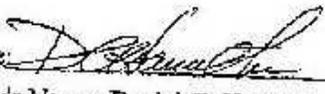
### Special Features:

- Wide field of view

APPLICANT NAME: Sheltered Wings, Inc.  
MARK: EAGLE OPTICS (stylized and/or with design)

#### Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant, he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature:  Date: August 10, 2005  
Signatory's Name: Daniel C. Hamilton  
Signatory's Position: President



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<input checked="" type="checkbox"/>	8x25 TFH-0825
<input type="checkbox"/>	10x25 TFH-1025



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EO-0430

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- Microscopes
- Articles
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- Eagle Optics on Location!
- Eagle Optics: You Deserve It
- Gift Certificates
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- FAQ / Questions
- Shopping Cart



## Eagle Optics Binoculars Denali 7x32

### Binoculars - Specifications:

Field of View	357 ft./1000 yds.
Eye Relief	20 mm
Close Focus	12 ft.
Weight	21.5 oz.
Dimensions (HxW)	5 x 4.9 in.
Weatherproofing	Waterproof/Nitrogen Purged

Denali binoculars would be a tremendous value at TWICE their price. For less than \$100, they give serious observers a potent binocular with unrivaled value.

The Denali 7x32 gives you everything you've always wanted in a binocular -- FOR LESS!

### Special Features:

- Wide field of view

**EXHIBIT E**  
**TO DECLARATION OF**  
**JACQUELINE M. SCHWARTZ**

# United States of America

United States Patent and Trademark Office

## GOLDEN EAGLE

**Reg. No. 3,787,739**

**Registered May 11, 2010**

**Int. Cl.: 9**

**TRADEMARK**

**PRINCIPAL REGISTER**

SHELTERED WINGS, INC. (WISCONSIN CORPORATION)  
2120 W GREENVIEW DR, STE 4  
MIDDLETOWN, WI 53562

FOR: BINOCULARS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 2-0-2010; IN COMMERCE 2-0-2010.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 2,886,199 AND 3,192,083.

SN 77-060,299, FILED 12-8-2006.

MARC LEIPZIG, EXAMINING ATTORNEY



*David J. Kyffers*

Director of the United States Patent and Trademark Office

**Generated on:** This page was generated by TSDR on 2012-08-23 13:22:31 EST

**Mark:** GOLDEN EAGLE

**GOLDEN EAGLE**

<b>US Serial Number:</b>	77060299	<b>Application Filing Date:</b>	Dec. 08, 2006
<b>US Registration Number:</b>	3787739	<b>Registration Date:</b>	May 11, 2010
<b>Filed as TEAS Plus:</b>	Yes	<b>Currently TEAS Plus:</b>	Yes
<b>Register:</b>	Principal		
<b>Mark Type:</b>	Trademark		
<b>Status:</b>	Registered. The registration date is used to determine when post-registration maintenance documents are due.		
<b>Status Date:</b>	May 11, 2010		
<b>Publication Date:</b>	Jun. 26, 2007		

---

### Mark Information

---

<b>Mark Literal Elements:</b>	GOLDEN EAGLE
<b>Standard Character Claim:</b>	Yes. The mark consists of standard characters without claim to any particular font style, size, or color.
<b>Mark Drawing Type:</b>	4 - STANDARD CHARACTER MARK

---

### Related Properties Information

---

**Claimed Ownership of US Registrations:** [2886199,3192083](#)

---

### Goods and Services

---

**Note:**

The following symbols indicate that the registrant/owner has amended the goods/services:

- Brackets [...] indicate deleted goods/services;

- Double parenthesis ((..)) identify any goods/services not claimed in a Section 15 affidavit of incontestability; and
- Asterisks \*..\* identify additional (new) wording in the goods/services.

**For:** Binoculars

**International Class:** 009 - Primary Class      **U.S Class:** 021, 023, 026, 036, 038

**Class Status:** ACTIVE

**Basis:** 1(a)

**First Use:** Feb. 2010      **Use in Commerce:** Feb. 2010

### Basis Information (Case Level)

<b>Filed Use:</b> No	<b>Currently Use:</b> Yes	<b>Amended Use:</b> No
<b>Filed ITU:</b> Yes	<b>Currently ITU:</b> No	<b>Amended ITU:</b> No
<b>Filed 44D:</b> No	<b>Currently 44D:</b> No	<b>Amended 44D:</b> No
<b>Filed 44E:</b> No	<b>Currently 44E:</b> No	<b>Amended 44E:</b> No
<b>Filed 66A:</b> No	<b>Currently 66A:</b> No	
<b>Filed No Basis:</b> No	<b>Currently No Basis:</b> No	

### Current Owner(s) Information

**Owner Name:** Sheltered Wings, Inc.  
2120 W Greenview Dr, Ste 4

**Owner Address:** Middletown, WISCONSIN 53562  
UNITED STATES

<b>Legal Entity Type:</b>	CORPORATION	<b>State or Country Where Organized:</b>	WISCONSIN
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### Attorney/Correspondence Information

#### Attorney of Record

**Attorney Name:** Bennet Langlotz

#### Correspondent

**Correspondent** Bennet Langlotz  
Langlotz Patent & Trademark Works, Inc.  
PO Box 96503 # 37585

**Name/Address:** Washington, DC 20090-6503  
UNITED STATES

**Phone** 877-230-5950

**Fax** 877-230-5950

**Domestic Representative - Not Found**

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**Prosecution History**

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<b>Date</b>	<b>Description</b>	<b>Proceeding Number</b>
Jan. 27, 2012	NOTICE OF SUIT	
May 11, 2010	REGISTERED-PRINCIPAL REGISTER	
Apr. 03, 2010	NOTICE OF ACCEPTANCE OF STATEMENT OF USE E-MAILED	
Apr. 02, 2010	LAW OFFICE REGISTRATION REVIEW COMPLETED	68171
Mar. 29, 2010	ASSIGNED TO LIE	68171
Mar. 29, 2010	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	
Mar. 12, 2010	STATEMENT OF USE PROCESSING COMPLETE	66154
Mar. 11, 2010	USE AMENDMENT FILED	66154
Mar. 11, 2010	TEAS STATEMENT OF USE RECEIVED	
Oct. 01, 2009	EXTENSION 4 GRANTED	66154
Sep. 17, 2009	EXTENSION 4 FILED	66154
Oct. 01, 2009	CASE ASSIGNED TO INTENT TO USE PARALEGAL	66154
Sep. 17, 2009	TEAS EXTENSION RECEIVED	
Aug. 27, 2009	TEAS CHANGE OF CORRESPONDENCE RECEIVED	
Mar. 18, 2009	EXTENSION 3 GRANTED	98765
Mar. 18, 2009	EXTENSION 3 FILED	98765
Mar. 18, 2009	TEAS EXTENSION RECEIVED	
Oct. 03, 2008	ASSIGNED TO EXAMINER	74816
Sep. 13, 2008	EXTENSION 2 GRANTED	98765
Sep. 13, 2008	EXTENSION 2 FILED	98765
Sep. 13, 2008	TEAS EXTENSION RECEIVED	
Sep. 08, 2008	ATTORNEY REVOKED AND/OR APPOINTED	

Sep. 08, 2008	TEAS REVOKE/APPOINT ATTORNEY RECEIVED	
Mar. 18, 2008	EXTENSION 1 GRANTED	98765
Mar. 18, 2008	EXTENSION 1 FILED	98765
Mar. 18, 2008	TEAS EXTENSION RECEIVED	
Sep. 18, 2007	NOA MAILED - SOU REQUIRED FROM APPLICANT	
Jun. 26, 2007	PUBLISHED FOR OPPOSITION	
Jun. 06, 2007	NOTICE OF PUBLICATION	
Apr. 24, 2007	LAW OFFICE PUBLICATION REVIEW COMPLETED	78413
Apr. 24, 2007	ASSIGNED TO LIE	78413
Mar. 31, 2007	APPROVED FOR PUB - PRINCIPAL REGISTER	
Mar. 30, 2007	EXAMINER'S AMENDMENT ENTERED	88888
Mar. 30, 2007	EXAMINERS AMENDMENT E-MAILED	6328
Mar. 30, 2007	EXAMINERS AMENDMENT -WRITTEN	78049
Mar. 30, 2007	ASSIGNED TO EXAMINER	78049
Dec. 13, 2006	NEW APPLICATION ENTERED IN TRAM	

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### TM Staff and Location Information

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**Current Location:** PUBLICATION AND ISSUE  
SECTION

**Date in Location:** Apr. 02, 2010